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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2019–0160]

RIN 3150–AK36

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Multipurpose Canister Cask System, Certificate of Compliance No. 1014, Amendment No. 14

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of December 17, 2019, for the direct final rule that was published in the **Federal Register** on October 3, 2019. This direct final rule amended the NRC's spent fuel storage regulations by revising the Holtec International HI–STORM 100 Multipurpose Canister Cask System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 14 to Certificate of Compliance No. 1014. Amendment No. 14 revised the technical specifications to add new heat loading patterns, reduce the minimum cooling time, allow use of a damaged fuel isolator for storing damaged fuel, and modify the description of vents in the overpack. Amendment No. 14 also made other administrative changes to the technical specifications.

DATES: The effective date of December 17, 2019, for the direct final rule published on October 3, 2019 (84 FR 52747), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2019–0160 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0160. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The proposed amendment to the certificate, the proposed changes to the technical specifications, and the preliminary safety evaluation report are available in ADAMS under Accession No. ML19120A076. The final amendment to the certificate, the final changes to the technical specifications, and the final safety evaluation report also can be viewed in ADAMS under Accession No. ML19295C567.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–1018; email: *Yen-Ju.Chen@nrc.gov* or Torre Taylor, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–7900; email: *Torre.Taylor@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On October 3, 2019 (84 FR 52747), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) by revising the ''List of approved spent fuel storage casks'' to include Amendment No. 14 to Certificate of Compliance No. 1014 for the Holtec International HI–STORM 100 Multipurpose Canister Cask System (HI–STORM 100 Cask System). Amendment No. 14 revised the technical specifications to add new heat loading patterns, reduce the minimum cooling time, allow use of a damaged fuel isolator for storing damaged fuel, and modify the description of vents in the overpack. Amendment No. 14 also made other administrative changes to the technical specifications.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on December 17, 2019. The NRC received one comment (ADAMS Accession No. ML19309E185). The commenter asked whether the NRC independently verified that the amended certificate will continue to protect public health, safety, and the environment and whether the HI–STORM 100 Cask System, as approved on May 1, 2000, continues to meet all requirements in 10 CFR 72.214 as outlined in Certificate of Compliance No. 1014. The NRC evaluated the comment against the criteria for withdrawing the direct final rule as described in the proposed rule (84 FR 52815; October 3, 2019) and determined it was not significant and adverse. Specifically, the commenter did not provide new information that would cause the NRC to reevaluate its position in the preliminary safety evaluation report (ADAMS Accession No. ML19120A064). The commenter did not provide information that would cause the NRC to conduct additional analyses nor did the commenter raise a serious issue that warrants an NRC response to complete the record. The commenter also did not raise any issues that have not been previously addressed. In addition, the commenter did not propose a change, without which the rule would be ineffective or unacceptable.

The NRC's safety evaluation report provides the NRC's review and assessment of Holtec's proposed changes and the independent calculations that the NRC performed to verify Holtec's analyses. The final safety analysis report provided by Holtec, and reviewed by the NRC, evaluates generic site characteristics. Any general licensee proposing to use Amendment No. 14 to the HI–STORM 100 Cask System will have to ensure, as required by 10 CFR 72.212(b)(6), that its site characteristics are enveloped by the cask design bases evaluated for Amendment No. 14. The NRC confirmed that Holtec's evaluation

of Amendment No. 14 shows that the use of the damaged fuel isolators and new heat loads will not impair the ability of the storage cask to maintain confinement and subcriticality. Additionally, the off-site dose rates will meet the dose requirements in 10 CFR 72.236(d).

As discussed in the environmental assessment for the direct final rule, Amendment No. 14 does not reflect a significant change in design or fabrication of the cask; therefore, any resulting occupational exposure or offsite dose rates would remain well within the 10 CFR part 20 annual limits for public and occupational radiological doses. Additionally, Amendment No. 14 will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the final rule, ''Storage of Spent Fuel in NRC-Approved Storage Casks at Power Reactor Sites'' (55 FR 29181; July 18, 1990). There will be no significant change in the types of, or significant revisions in the amounts of, any effluent released; no significant increase in the individual or cumulative radiation exposures; and no significant increase in the potential for, or consequences of, radiological accidents. Therefore, this direct final rule will become effective as scheduled.

Dated at Rockville, Maryland, this 6th day of December 2019.

For the Nuclear Regulatory Commission.

Pamela J. Shepherd-Vladimir,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–26691 Filed 12–11–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–0851; Special Conditions No. 25–763–SC]

Special Conditions: VT DRB Aviation Consultants, Airbus Model A330–300 Airplanes; Dynamic Test Requirements for Single-Occupant, Oblique (Side-Facing) Seats With or Without Airbag Devices or 3-Point Restraints

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Airbus Model A330–300 airplane. This airplane, as modified by VT DRB Aviation Consultants (VT DRB), will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is single-occupant, oblique (side-facing) seats with airbag devices or 3-point restraints. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on VT DRB on December 12, 2019. Send comments on or before January 27, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2019–0851 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3215; email *alan.sinclair@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplanes.

In addition, the substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

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

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On October 12, 2018, VT DRB applied for a supplemental type certificate for oblique (side-facing) single-occupant seats equipped with airbag devices or 3-point restraints in Airbus Model A330–300 airplanes. The Airbus Model A330–300 airplane is a twin-engine, transport-category airplane with a maximum takeoff weight of 533,518 pounds and seating for 297 passengers.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, VT DRB must show that the Airbus Model A330–300 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A46NM or the applicable regulations in effect on the

date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A330–300 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A330–300 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Airbus Model A330–300 airplane will incorporate the following novel or unusual design features:

Single-occupant, oblique (side-facing) seats with airbag devices or 3-point restraints.

Discussion

The FAA has been conducting and sponsoring research on appropriate injury criteria for oblique (side-facing) seat installations. However, the FAA research program is not complete and the FAA may update these criteria as the FAA obtains further research results. To reflect current research findings, the FAA issued policy statement PS–ANM–25–03–R1, ''Technical Criteria for Approving Side-Facing Seats,'' November 12, 2012 to update injury criteria for fully side-facing seats, and policy statement PS–AIR–25–27, ''Technical Criteria for Approving Oblique Seats,'' July 11, 2018 to define injury criteria for oblique (side-facing) seats. Refer to these policy statements for definitions of variables used in the formulae shown in the conditions of this document.

The installation of these single occupant, oblique (side-facing) seats is novel given that the Airbus Model A330–300 certification basis does not adequately address protection of the occupant's neck and spine for seat configurations that are positioned at an angle greater than 18 degrees from the airplane centerline.

The installation of passenger seats at angles of 18 to 45 degrees to the airplane centerline is unusual in transport category airplanes due to the seat and occupant interface with the surrounding furniture that introduces occupant alignment and loading concerns with or without the installation of a 3-point or airbag restraint system, or both. These special conditions are necessary to further address these potential injuries to the occupant's neck and spine that were not contemplated in 14 CFR 25.785.

The FAA-sponsored research mentioned earlier has found that an unrestrained flailing of the upper torso, even when the pelvis and torso are nearly aligned, can produce serious spinal and torso injuries. At lower impact severities, even with significant misalignment between the torso and pelvis, these injuries did not occur. Tests with an FAA H–III anthropomorphic test device (ATD) have identified a level of lumbar spinal tension corresponding to the no-injury impact severity. This level of tension is included as a limit in the special conditions. The spine tension limit selected is conservative with respect to other aviation injury criteria because it corresponds to a no-injury loading condition.

As noted in the special conditions for the airbag restraint system, because an airbag restraint system is essentially a single-use device, the airbag potentially could deploy under crash conditions that are not sufficiently so severe as to require head-injury protection from the airbag restraint system. Because an actual crash is frequently composed of a series of impacts before the airplane comes to rest, this could render the airbag restraint system useless if a larger impact follows the initial impact. This situation does not exist with energy-absorbing pads or upper-torso restraints, which tend to provide protection according to the severity of the impact. Therefore, the installation of the airbag restraint system should be such that the airbag restraint system will provide protection when it is required, and will not expend its protection when it is not needed.

Because these airbag restraint systems may or may not activate during various crash conditions, the injury criteria listed in the special conditions and in § 25.562 must be met in an event that is slightly below the activation level of the airbag restraint system.

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

Applicability

As discussed above, these special conditions are applicable to the Airbus Model A330–300 airplane as modified by VT DRB. Should VT DRB apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A46NM to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A330–300 airplanes as modified by VT DRB.

In addition to the requirements of § 25.562, passenger seats installed at an angle between 18 degrees and 45 degrees from the airplane longitudinal centerline must meet the following:

Side-Facing Seats Special Conditions:

1. *Head Injury Criteria*:

Compliance with § 25.562(c)(5) is required, except that, if the ATD has no apparent contact with the seat/structure but has contact with an airbag, a head-injury criterion (HIC) unlimited score in excess of 1000 is acceptable, provided the HIC15 score (calculated in accordance with 49 CFR 571.208) for that contact is less than 700.

2. *Body-to-Wall/Furnishing Contact:*

If a seat is installed aft of structure (*e.g.,* an interior wall or furnishing) that does not provide a homogenous contact surface for the expected range of occupants and yaw angles, then

additional analysis and tests may be required to demonstrate that the injury criteria are met for the area that an occupant could contact. For example, if different yaw angles could result in different airbag performance, then additional analysis or separate tests may be necessary to evaluate performance.

3. *Neck Injury Criteria:*

The seating system must protect the occupant from experiencing serious neck injury. The assessment of neck injury must be conducted with the airbag device activated, unless there is reason to also consider that the neck-injury potential would be higher for impacts below the airbag-device deployment threshold.

a. The N_{ij} (calculated in accordance with 49 CFR 571.208) must be below 1.0, where $N_{ij} = F_z/F_{zc} + M_y/M_{yc}$, and N_{ij} critical values are:

i. F_{zc} = 1530 lb for tension
ii. F_{zc} = 1385 lb for compression
iii. M_{yc} = 229 lb-ft in flexion
iv. M_{yc} = 100 lb-ft in extension

b. In addition, peak F_z must be below 937 lb in tension and 899 lb in compression.

c. Rotation of the head about its vertical axis, relative to the torso, is limited to 105 degrees in either direction from forward-facing.

d. The neck must not impact any surface that would produce concentrated loading on the neck.

4. *Spine and Torso Injury Criteria:*

a. The lumbar spine tension (F_z) cannot exceed 1200 lb.

b. Significant concentrated loading on the occupant's spine, in the area between the pelvis and shoulders during impact, including rebound, is not acceptable. During this type of contact, the interval for any rearward (X direction) acceleration exceeding 20g must be less than 3 milliseconds as measured by the thoracic instrumentation specified in 49 CFR part 572, subpart E, filtered in accordance with SAE International (SAE) recommended practice J211/1, ''Instrumentation for Impact Test–Part 1–Electronic Instrumentation.''

c. The occupant must not interact with the armrest or other seat components in any manner significantly different than would be expected for a forward-facing seat installation.

5. *Pelvis Criteria:*

Any part of the load-bearing portion of the bottom of the ATD pelvis must not translate beyond the edges of the seat bottom seat-cushion supporting structure.

6. *Femur Criteria:*

Axial rotation of the upper leg (about the z-axis of the femur per SAE Recommended Practice J211/1) must be limited to 35 degrees from the nominal seated position. Evaluation during rebound does not need to be considered.

7. *ATD and Test Conditions:*

Longitudinal tests conducted to measure the injury criteria above must be performed with the FAA Hybrid III ATD, as described in SAE 1999–01–1609, ''A Lumbar Spine Modification to the Hybrid III ATD for Aircraft Seat Tests.'' The tests must be conducted with an undeformed floor, at the most-critical yaw cases for injury, and with all lateral structural supports (*e.g.* armrests or walls) installed.

Note: The applicant must demonstrate that the installation of seats via plinths or pallets meets all applicable requirements. Compliance with the guidance contained in policy memorandum PS–ANM–100–2000–00123, ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' dated February 2, 2000, is acceptable to the FAA.

Inflatable Airbag Restraint Systems Special Conditions:

If inflatable airbag restraint systems are installed, the airbag systems must meet the requirements of Airbus Model A330 special conditions no. 25–395–SC, ''Seats with Inflatable Lapbelts.''

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

James E. Wilborn,

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

[FR Doc. 2019–26722 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0584; Product Identifier 2019–NM–096–AD; Amendment 39–19809; AD 2019–23–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 16, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 16, 2020.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7330; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2019–14R1, dated September 11, 2019 (''AD CF–2019–14R1'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the

MCAI''), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on August 5, 2019 (84 FR 37976). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address reduced structural integrity of the airplane or reduced controllability of the airplane. See the MCAI for additional background information.

The NPRM referred to Canadian AD CF–2019–14, dated April 5, 2019. Since the FAA issued the NPRM, TCCA has issued Canadian AD CF–2019–14R1, dated September 11, 2019, which has no significant changes that affect this AD.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Bombardier has issued C Series Airworthiness Limitations, BD500–3AB48–11400–02, Issue 009.00, dated June 6, 2019. This service information describes airworthiness limitations for fuel tank systems, safe life limits, and certification maintenance requirements. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 13 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing 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).

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–23–15 Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–19809; Docket No. FAA–2019–0584; Product Identifier 2019–NM–096–AD.

(a) Effective Date

This AD is effective January 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, identified in paragraphs (c)(1) and (2) of this AD.

(1) Model BD–500–1A10 airplanes, serial numbers 50001 and subsequent with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 6, 2019.

(2) Model BD–500–1A11 airplanes, serial numbers 55001 and subsequent with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 6, 2019.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to prevent reduced structural integrity of the airplane or reduced controllability of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Bombardier C Series Airworthiness Limitations, BD500–3AB48–11400–02, Issue 009.00, dated June 6, 2019. The initial compliance time for doing the tasks is at the time specified in Bombardier C Series Airworthiness Limitations, BD500–3AB48–11400–02, Issue 009.00, dated June 6, 2019, or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2019–14R1, dated September 11, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7330; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Bombardier C Series Airworthiness Limitations, BD500–3AB48–11400–02, Issue 009.00, dated June 6, 2019.

(ii) [Reserved]

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* internet: *http://www.bombardier.com.*

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on November 26, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–26738 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0443; Product Identifier 2019–NM–056–AD; Amendment 39–19807; AD 2019–23–13]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A320–251N and A321–253N airplanes. This AD was prompted by reports of cracks on the pylon block seals. This AD requires replacement of the pylon block seals, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 16, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 16, 2020.

ADDRESSES: For the material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 89990 1000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0443.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0443; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket

Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3223.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0068, dated March 27, 2019 (''EASA AD 2019–0068'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A320–251N and A321–253N airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A320–251N and A321–253N airplanes. The NPRM published in the **Federal Register** on June 24, 2019 (84 FR 29421). The NPRM was prompted by reports of cracks on the pylon block seals during the final assembly line. The NPRM proposed to require replacement of the pylon block seals.

The FAA is issuing this AD to address cracks on pylon block seals, which could reduce the firewall integrity between the pylon and the nacelle. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) indicated its support for the NPRM.

Request To Include Additional Credit for Certain Service Information

Alaska Airlines requested that the FAA include Airbus Service Bulletin A320–54–1040, dated April 20, 2018, in paragraph (h)(2) of the proposed AD, to provide credit for actions accomplished before the effective date of the proposed AD. Alaska Airlines did not provide any further justification.

The FAA acknowledges the commenter's request and agrees to clarify. Paragraph (f) of this AD states to accomplish the required actions within the compliance times specified, ''unless already done.'' Therefore, if operators have accomplished the actions required for compliance with this AD before the effective date of this AD, no further action is necessary. The FAA has not revised this AD in this regard.

Conclusion

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

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

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0068 describes procedures for replacement of the pylon block seals. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD would affect 9 airplanes of U.S. registry. The agency estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$5,300	$5,470	$49,230

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–23–13 Airbus SAS: Amendment 39–19807; Docket No. FAA–2019–0443; Product Identifier 2019–NM–056–AD.

(a) Effective Date

This AD is effective January 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320–251N and A321–253N airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019–0068, dated March 27, 2019 (''EASA AD 2019–0068'').

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Reason

This AD was prompted by reports of cracks on the pylon block seals during the final assembly line. The FAA is issuing this AD to address cracks on pylon block seals, which could reduce the firewall integrity between the pylon and the nacelle.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0068.

(h) Exceptions to EASA AD 2019–0068

(1) Where EASA AD 2019–0068 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0068 specifies credit for actions ''accomplished before the effective date of this AD in accordance with the instructions of the applicable Airplane Maintenance Manual,'' this AD provides credit for actions ''accomplished before the effective date of this AD in accordance with the instructions of an FAA-approved maintenance or inspection program.''

(3) The ''Remarks'' section of EASA AD 2019–0068 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0068 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3223.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0068, dated March 27, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0068, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 89990 6017; email: *ADs@easa.europa.eu;* Internet: *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0443.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on November 21, 2019.

Dorr Anderson,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–26703 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0973; Product Identifier 2019–NM–187–AD; Amendment 39–19811; AD 2019–23–17]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 900EX and Model FALCON 2000EX airplanes. This AD was prompted by reports of iced angle-of-attack (AoA) probes after take-off, with associated misleading airspeed indication and/or misleading stall warning. This AD requires revising the existing airplane flight manual (AFM) to provide the flightcrew with updated procedures related to manually activating heating of the AoA probes during line up, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective December 27, 2019.

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

We must receive comments on this AD by January 27, 2020.

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

For the material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0973.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0973; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0273, dated November 4, 2019 (''EASA AD 2019–0273'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Model FALCON 900EX and FALCON 2000EX airplanes.

This AD was prompted by reports of iced AoA probes after take-off, with associated misleading airspeed indication and/or misleading stall warning. A slow or late positioning of thrust levers into the take-off position in certain conditions can lead to probes being heated too late during the take-off run, which increases the risk of icing on probes after take-off. The FAA is issuing this AD to address this condition, which could lead to blocked AoA probes, possibly resulting in reduced control of the airplane. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0273 describes procedures for revising the existing AFM to provide the flightcrew with updated normal procedures related to manually activating AoA probe heating during line up. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2019–0273 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2019–0273 will be incorporated by reference in the FAA final rule. This AD, therefore, requires compliance with EASA AD 2019–0273 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2019–0273 that is required for compliance with EASA AD 2019–0273 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0973 after the FAA final rule is published.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because these airplanes are subject to reduced efficiency of the AoA protections that may result in iced AoA probes after take-off, with associated misleading airspeed indication and/or misleading stall warning. A slow or late positioning of thrust levers into the take-off position in certain conditions can lead to probes being heated too late during the take-off run, which increases the risk of icing on probes after take-off. This condition could result in blocked AoA probes, which could possibly result in reduced control of the airplane. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0973; Product Identifier 2019–NM–187–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall

regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

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

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 146 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$12,410

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–23–17 Dassault Aviation: Amendment 39–19811; Docket No. FAA–2019–0973; Product Identifier 2019–NM–187–AD.

(a) Effective Date

This AD becomes effective December 27, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 900EX and Model FALCON 2000EX airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019–0273, dated November 4, 2019 (''EASA AD 2019–0273'').

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports of iced angle-of-attack (AoA) probes after take-off, with associated misleading airspeed indication and/or misleading stall warning. A slow or late positioning of thrust levers into the take-off position in certain conditions can lead to probes being heated too late during the take-off run, which increases the risk of icing on probes after take-off. The FAA is issuing this AD to address this condition, which could result in blocked AoA probes, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0273.

(h) Exceptions to EASA AD 2019–0273

(1) Where EASA AD 2019–0273 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0273 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

of the local flight standards district office/certificate holding district office.

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

(j) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0273, dated November 4, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0273, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0973.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on November 21, 2019.

Dorr Anderson,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–26704 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1024; Product Identifier 2017–NM–065–AD; Amendment 39–19746; AD 2019–19–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes; Model 757 series airplanes; Model 767 series airplanes; Model 777 series airplanes; and Model 787–8 and 787–9 airplanes. This AD was prompted by reports of fuel crossfeed valves failing to open when activated during flight. This AD requires, for certain airplanes, revising the existing airplane flight manual (AFM); and for certain other airplanes, revising the existing minimum equipment list (MEL) to do an operational check of the fuel crossfeed valve prior to each extended operations (ETOPS) flight if one fuel crossfeed valve (or the fuel balancing system on Model 787 airplanes) is inoperative. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 16, 2020.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1024; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jon Regimbal, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3557; email: *Jon.Regimbal@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes; Model 757 series airplanes; Model 767 series airplanes; Model 777 series airplanes; and Model 787–8 and 787–9 airplanes. The NPRM published in the **Federal Register** on December 5, 2017 (82 FR 57383). The NPRM was prompted by reports of fuel crossfeed valves failing to open when activated during flight. The NPRM proposed to require, for certain airplanes, revising the existing AFM; and for certain other airplanes, revising the existing MEL to do an operational check of the fuel crossfeed valve prior to each ETOPS flight if one fuel crossfeed valve (or the fuel balancing system on Model 787 airplanes) is inoperative.

The FAA is issuing this AD to prevent an airplane from being dispatched on an ETOPS flight with a single fuel crossfeed valve (due to design or due to MEL dispatch of a dual crossfeed valve equipped airplane with one crossfeed valve inoperative) that cannot be opened or a fuel balancing system that cannot properly operate when activated. This condition could cause the fuel in the main tank associated with a failed engine to be unavailable to the remaining operative engine, potentially resulting in a forced off-airport landing due to exhaustion of the remaining usable fuel and consequent loss of all engine thrust.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Withdraw the NPRM

United Airlines (UAL) and Delta Air Lines (DAL) asked that the NPRM be withdrawn until corrective action is proposed with an adequate level of safety.

UAL stated that the FAA processes leading to issuing the NPRM did not include certain expected elements (*e.g.,* risk analysis, adequate cost analysis [which the FAA addresses in the ''Request to Increase Cost Estimate'' comment], and consideration for airplanes equipped with aircraft health monitoring (AHM) [which the FAA addresses in the ''Request to Exclude Airplanes with AHM'' comment]). UAL added that it is not aware of an FAA risk

analysis of a simultaneous engine failure and a crossfeed valve failure during an ETOPS flight in a critical fuel location.

UAL conducted a risk analysis and provided the following comments and questions:

- The NPRM specified that the FAA had received reports of fuel crossfeed valves failing to open when activated during flight, but provided no data.
- The NPRM provided no statistical analysis of industry engine failure rates, or of crossfeed valve failure rates. What is the probability that an engine will fail and a crossfeed valve will fail on the same ETOPS flight in a fuel-critical location?
- ETOPS-qualified aircraft engine failure rates are extremely low. UAL engine failure rates vary from 0.005 to 0.000, well below the 0.030 required for ETOPS certification.
- Crossfeed valve failure rates are extremely low (roughly 1 per 100,000 departures), and Boeing had indicated that it did not regard the failure of crossfeed valves as a potential reliability issue.

DAL stated that a Boeing risk analysis showed that an engine shutdown with the inability to transfer fuel is improbable (the FAA infers that the commenter meant ''extremely improbable'' as used in FAA risk analysis policy) and that Boeing does not consider this to be a safety issue. DAL added that cycling the fuel crossfeed valve prior to further flight, or at any time, does not ensure that the valve will work as intended at a later point in flight. DAL concluded that the proposed AD does not provide corrective action that will improve the safety of the airplane.

The FAA does not agree to withdraw the NPRM. The FAA determined that the unsafe condition of fuel crossfeed valves failing to open or fuel balancing systems failing to operate when activated during flight must be addressed. For transport airplanes, this determination is based on several criteria, and the failure to meet one or more of the criteria could lead the FAA to determine that corrective action is warranted.

For each identified potential safety issue on a transport airplane, the FAA examines the risk on the worst reasonably anticipated flights (flights actually predicted to occur) to ensure that each flight provides an acceptable level of safety [identified as ''individual flight risk'' in FAA risk analysis policy]. That acceptable level of safety consists of three basic expectations:

- That each flight begins in a fail-safe state (including consideration of latent failure conditions and allowed dispatch states under the MEL), meaning that a foreseeable single failure on any anticipated flight should not have a significant likelihood of causing a catastrophic event.
- That each flight does not have a numerical risk of a catastrophic event due to the issue being examined that is excessively (an order of magnitude or more) greater than the risk of a catastrophic event on an average transport airplane.
- That safety features that were prescriptively required due to lessons learned from past incidents and accidents are not excessively reduced in their effectiveness or availability.

Failure to meet any of these three criteria can lead to a determination that an unsafe condition exists and AD action is necessary, because the level of safety on the affected flights does not meet the FAA's thresholds for an acceptable level of safety on individual flights.

For each identified potential safety issue, the FAA also assesses the total cumulative risk of an event occurring at any time in the remaining life of the fleet of affected airplanes (identified as ''total fleet risk'' in FAA risk analysis policy). The FAA may determine that corrective action is needed to limit total fleet risk even when the assessed individual flight risk does not violate any of the three individual flight risk criteria discussed above. Total fleet risk is typically assessed by multiplying the average probabilities of each of the failures or other factors that contribute to the occurrence of an event, the total number of airplanes affected, the average utilization of those airplanes, and the average remaining life for those airplanes. The FAA also considers the number of occupants of an aircraft in assessing fleet risk, and applies total fleet risk guideline thresholds expressed in terms of both aircraft accidents and number of fatalities.

Either excessive individual flight risk or excessive total fleet risk, or both, can lead the FAA to determine that an unsafe condition exists that requires corrective action. The FAA does not use or accept calculations of acceptable total fleet risk, or acceptable average per-flight-hour risk, as a justification for taking no action on issues where an excessive individual flight risk is determined to exist on flights that are anticipated to occur.

For this AD, the FAA identified that flights of airplanes with a single operative crossfeed valve (due to design or due to MEL dispatch of a dual crossfeed valve equipped airplane with one crossfeed valve inoperative) are expected to occur with a pre-existing undetected failure of that single crossfeed valve (or of the fuel balancing system on Boeing Model 787 airplanes). On such a flight, if an engine shutdown occurs during the fuel-critical ETOPS portion of the flight, it can lead to fuel exhaustion and a forced off-airport landing. That fuel-critical portion of the flight can be of significant duration. For example, according to Boeing, the fuel-critical exposure window (during which an engine failure without crossfeed capability would lead to fuel exhaustion prior to reaching a suitable airport under the current 14 CFR part 121 fuel reserve requirements) ranges from approximately 1.8 to 2.3 hours in length for flights between the West Coast of the U.S. and Hawaii. For ETOPS missions using greater-than-180-minute ETOPS capability, the exposure can be significantly greater.

While the average probability per flight hour of a failure of the crossfeed valve and an engine failure in cruise on the same flight has been shown by Boeing to be extremely improbable (on the order of one event per billion flight hours), the actual risk is not evenly spread among flights at the average level. Instead, most of that risk is currently concentrated in the flights of airplanes operating with a single crossfeed valve due to design configuration or MEL dispatch relief, and on which that single crossfeed valve is inoperative due to a latent failure. On such flights, the estimated average probability of an engine failure during the cruise phase of flight is in the range of one event per 100,000 to 1 million flight hours (based on current industry in-flight engine shutdown data), depending on the engine/airplane combination. In addition, engine shutdowns can be caused by many different single failures of engine or airplane components, which means those flights that begin with an already inoperative crossfeed valve are not fail-safe for an engine failure as required by the airworthiness regulations and expected by the public.

Based on the crossfeed valve actuator failure rates supplied by the Boeing and the current AFM requirements to check the operation of the crossfeed valves in the last hour of cruise on ETOPS flights, the FAA estimates that well over 100 flights with inoperative crossfeed valves will occur in the remaining life of the affected fleet. Such flights do not provide the level of safety that is intended for ETOPS operations. Checking the operation of the crossfeed valve immediately prior to each ETOPS flight will ensure that each flight begins with a crossfeed valve that was recently

verified to operate, and will minimize the likelihood of a crossfeed valve failing if engine crossfeed is required. The FAA considers a check of the crossfeed valve operation prior to each ETOPS flight to be a significant improvement in safety for the flights on which the risk is actually concentrated, thereby minimizing the chance that an engine failure on one of those flights will lead to a catastrophic fuel exhaustion event. For the reasons specified previously, the FAA is issuing this final rule to address the identified unsafe condition.

Request To Revise Airplanes Affected by Certain Requirements

American Airlines generally supported the NPRM, but asked that the airplanes affected by paragraphs (h) and (j) of the proposed AD be corrected. American Airlines stated that paragraphs (h) and (j) of the proposed AD specify airplanes having line numbers 1 through 616 inclusive and 618; however, the effectivity specified in Boeing Service Bulletin 757–28–0029 for the corresponding actions is line numbers 1 through 518 inclusive. American Airlines added that airplanes having line numbers above 518 had the actions specified in the referenced service information incorporated in production.

The FAA agrees with the commenter's request for the reason provided. Paragraphs (h) and (j) of this AD have been changed accordingly.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing (APB) stated that the installation of winglets per Supplemental Type Certificate (STC) ST01219SE, ST00830SE, ST01518SE, or ST01920SE does not affect the accomplishment of the manufacturer's service instructions.

The FAA agrees that STC ST01219SE, ST00830SE, ST01518SE, and ST01920SE do not affect the accomplishment of the manufacturer's service instructions. Therefore, the installation of STC ST01219SE, ST00830SE, ST01518SE, or ST01920SE does not affect the ability to accomplish the actions required by this AD. The AD has not been changed in this regard.

Request To Increase Cost Estimate

UAL stated that the FAA did not include adequate cost analysis and stated the FAA should consider the negative effects of daily activation of the crossfeed valve on mean time between failure (MTBF) rates, or the associated cost of increased valve replacement rates.

The FAA infers that UAL is asking that the cost estimate in the ''Costs of Compliance'' section of this final rule be increased to account for a decreased MTBF for the crossfeed valve or actuator. The FAA does not agree to increase the estimated costs. The FAA normally addresses only the direct cost of a required action, and the agency has not received any data from the manufacturer or operators indicating that actuating the crossfeed valve prior to each ETOPS flight will significantly increase the crossfeed valve failure and replacement rate.

Relative to the effects of daily activation of the crossfeed valve, a significant decrease in MTBF will likely not result from the actions in this AD, for the following reasons:

- The various fuel system valves and valve actuators are all of similar designs, and some of those valves are cycled once or more per flight. They are designed to operate for many thousands of cycles without failure.
- For airplanes equipped with a single crossfeed valve, the existing AFM requires operators to perform an operational check of the crossfeed valve in the last hour of cruise of every ETOPS flight. This AD requires the same check to be performed prior to each ETOPS flight, and provides relief from the existing requirement for a valve operational check in the last hour of cruise.
- For airplanes with dual crossfeed valves or a fuel balancing system (for Boeing Model 787 airplanes), this AD requires a crossfeed valve operational check only when the airplane is operated under the MEL with a crossfeed valve or fuel balance system inoperative.

Therefore, this AD will not require a significantly increased total number of valve operational checks to be performed; the AD just changes when the check is performed. In light of these factors, this AD has not been changed in this regard.

Request To Exclude Airplanes With AHM

UAL asked to revise the applicability of the proposed AD to exclude airplanes that have an AHM system capable of reporting an impending crossfeed valve failure before an actual service failure occurs. UAL did not provide a reason for its request, but the FAA infers that the commenter considered that a system that can detect an impending crossfeed valve failure before an actual crossfeed valve failure occurs, leading to a precautionary crossfeed valve or actuator replacement, would provide an acceptable way to address the unsafe condition.

The FAA does not agree with the commenter's request. The FAA is not aware of any of the affected airplanes having the capability to detect and annunciate an impending crossfeed valve failure. UAL did not identify a specific airplane or installed system feature that has that capability. Operators may apply for an alternative method of compliance (AMOC) in accordance with paragraph (o) of this AD, provided they can show that such a system is available for installation on an airplane and adequately addresses the unsafe condition. The AD has not been changed in this regard.

Request To Allow Alternative AFM Approval

Southwest Airlines (SWA) contended that use of the term ''identical'' in paragraph (g)(2) of the proposed AD would be unnecessarily restrictive and could prevent operators from using previously accepted formatting standards and layout. SWA therefore asked that paragraph (g)(2) of the proposed AD be revised to add the following statement: ''Alternative statements that meet the intent of the following requirements may be used if approved by an appropriate FAA POI.'' SWA added that a similar principal operations inspector (POI) allowance was provided in AD 2011–18–03, Amendment 39–16785 (76 FR 53317, August 26, 2011).

The FAA does not agree with the commenter's request. The intent of this AD is for the text of the general AFM revision limitations and procedures to be identical to that required by the AD; however, formatting and layout can be changed without an approved AMOC as long as those changes do not change the text of the statements. Operators may apply for an AMOC in accordance with paragraph (o) of this AD for any changes to the text required by the AD. The AD has not been changed in this regard.

Request To Include Certain Provisions Required by Original Type Design

Boeing asked that paragraph (n) of the proposed AD be changed to eliminate certain existing requirements for airplanes on which a last-hour-of-ETOPS-flight crossfeed valve operational check is in the AFM as part of the type certificate approval. Boeing stated that after publication of AD 88–21–03 R1, Amendment 39–6077 (53 FR 46605, November 18, 1988) (''AD 88–21–03 R1''), new airplane models with a single crossfeed valve that were not affected by the requirements in AD 88–21–03 R1 had a similar requirement in

the AFM as part of the airplane type certificate.

The FAA does not agree with the commenter's request. The FAA approval of the AFM change proposed by the commenter would be considered an approval of a voluntary change to a type certificate. Such changes are required to be approved under the process defined in 14 CFR part 21 and are not accomplished through an AD. Once the operational check prior to each ETOPS flight is incorporated into the existing AFM or MEL as required by this AD, the check required in the last hour of cruise by the existing AFM could be eliminated through a type certificate design change approval. If Boeing or an operator wants to obtain approval of a revised AFM without the limitation requiring the last-hour-of-ETOPS-flight crossfeed valve operational check, the request can be submitted for FAA approval using the normal process for obtaining approval of a revised AFM. Therefore, the AD has not been changed in this regard.

Request To Revise Headings for Certain Figures

Boeing asked that the FAA expand the headings for the AFM text in figure 3 to paragraph (h)(1) of the proposed AD and figure 5 to paragraph (i)(1) of the proposed AD by adding ''The following is applicable prior to incorporation of Boeing Service Bulletin 757–28–0029 or production equivalent,'' and ''The following is applicable prior to incorporation of Boeing Service Bulletin 757–28–0034 or production equivalent,'' respectively. Boeing stated that the referenced service information and production equivalent are closing actions for the applicable AD.

The FAA partially agrees with the commenter's request. The FAA agrees to change these headings, because an operator could have a mixed fleet of single- and dual-valve airplane configurations operating under a single AFM version, which should have limitation language that is applicable only to airplanes with a single crossfeed valve. However, the FAA does not agree with making the specific change by referencing only service bulletins or production equivalent configurations, because while limitations with similar language have been approved in the past, the flight crew does not have readily available information on the service bulletins or production changes that are installed. However, the crew can readily identify whether the airplane has one or two crossfeed valves simply by looking at the overhead fuel control panel, where either one or two crossfeed valve switches are installed. Therefore, the referenced headings in this AD have been changed to refer to the crossfeed valve configuration rather than the service bulletin number.

Request To Eliminate the Operational Requirement in the MMEL

Boeing asked that the proposed operational requirement for airplanes with dual crossfeed valves operating on the master minimum equipment list (MMEL) be eliminated. Boeing stated that after publication of AD 88–21–03, which required operational checks of the crossfeed valves in the last hour of each ETOPS flight for airplanes equipped with a single crossfeed valve, the FAA approved the installation of a second crossfeed valve as an AMOC for that AD, without requiring any crossfeed valve checks if the airplane is operated with a crossfeed valve inoperative under the MEL. Boeing added that it is not necessary to now mandate an operational check for an airplane operating with a crossfeed valve inoperative under the MEL.

Boeing stated that the fundamental criterion for MMEL relief is that an acceptable level of safety must be maintained considering the next critical single failure event in flight. Boeing also stated that operation with a crossfeed valve or transfer system inoperative under the current MMEL requires verification that the remaining crossfeed valve is operative, and that in-flight failure of the remaining crossfeed valve during a subsequent flight would not itself create an unsafe condition. Boeing added that issuing an AD to require operational checks for operation under the MMEL is therefore redundant.

Boeing cited the preamble language required by the FAA in MMEL Policy Letter 34, Revision 4, dated August 15, 1997:

> Experience has shown that with the various levels of redundancy designed into aircraft, operation of every system or installed component may not be necessary when the remaining operative equipment can provide an acceptable level of safety.

Boeing stated that the addition of a redundant crossfeed valve provides a fault-tolerant configuration, which experience has shown provides an acceptable level of safety. Boeing concluded that unless credit is given for the redundant crossfeed valve without a requirement for an operational check, the redundant valve provides no added safety benefit and therefore could be eliminated.

The FAA does not agree with the commenter's request. When the FAA determines that an existing MMEL relief provision does not provide an acceptable level of safety, the FAA may either eliminate or modify that relief through AD action. In this case, the FAA determined that an operational check of the crossfeed valve, prior to each ETOPS flight that takes place with a single crossfeed valve, is necessary to prevent dispatch of an ETOPS flight with no ability to access all of the remaining fuel in the event of an engine failure. The FAA has further determined that flights without the ability to access all of the remaining fuel would not provide an acceptable level of safety, because a single engine failure during the critical portion of the cruise phase could result in a forced offairport landing due to inadequate usable fuel available to the operative engine. This check is necessary when an airplane equipped with a dual crossfeed valve is dispatched under the MMEL with one crossfeed valve inoperative or with the fuel balancing system inoperative, for the same reason that the crossfeed valve operational check is required prior to each ETOPS flight on an airplane with a single crossfeed valve.

The citation from MMEL Policy Letter 34 is from the standardized language required by that policy letter to be included in the preamble of an MMEL. It is simply an introductory statement indicating that redundant systems may allow for dispatch with certain equipment inoperative in some cases. It is not intended to restrict the conditions or limitations that the FAA may place on a particular MMEL relief provision. The failure of a crossfeed valve in a manner that will prevent it from actuating is typically detected only through subsequent attempted actuation of the crossfeed valve for fuel balancing, or for crossfeed in the event of an engine failure. Therefore, the failure of the crossfeed valve is likely to remain undiscovered from the time of the failure until the next attempt at actuation. This latency period may occur during several flights in some operational situations, such as movement of an individual airplane to an ETOPS route when that airplane has previously been operated on non-ETOPS routes. That operational situation and the associated latency period increases the likelihood that the crossfeed valve on that airplane will fail when the next attempt is made to actuate the crossfeed valve. An operational check of the crossfeed valve immediately prior to each ETOPS flight (the flights where the ability to open the crossfeed valve may be critical) is a practical measure to minimize the likelihood that the crossfeed valve will fail to open if needed, and to ensure that

the flight is started with an operative crossfeed valve.

The addition of a second crossfeed valve provides redundancy that the FAA determined in the past was an acceptable substitute for a preflight operational check, and that also could allow for dispatch with one crossfeed valve inoperative. However, since that time the FAA has determined that when an airplane is operated with a crossfeed valve (or a fuel balancing system) under the MEL, it should be operated with the same crossfeed valve operational check requirement as an airplane with a single crossfeed valve configuration, for the same reason that the preflight operational check is required for an airplane with a single crossfeed valve configuration. Therefore, the AD has not been changed in this regard.

Request To Correct Errors in Figure 10

Boeing, UAL, All Nippon Airways (ANA), and Captain David Stewart (Captain Stewart) asked that the language specified in figure 10 to paragraph (m) of the proposed AD be corrected to reflect that the allowed MMEL dispatch relief in that figure is for the fuel balance system instead of the crossfeed valve. UAL listed four specific MMEL provisions (specified in paragraphs (m)(1) through (4) of this AD) that are for various inoperative components or systems that cause the fuel balance system to be inoperative. Boeing and ANA stated that the figure should be revised to reflect that if the crossfeed valve fails to open, the FUEL CROSSFEED advisory message will not be displayed until 15 seconds after crossfeed is selected ON. Captain Stewart stated that the language in figure 10 to paragraph (m) of the proposed AD is erroneous and should have stated ''Before the next ETOPS departure after the Fuel Balance Switch is determined to be inoperative . . . .''

The FAA agrees with the commenters' requests for the reasons provided. Figure 10 to paragraph (m) of this AD has been revised to correct the errors noted by the commenters.

Request To Revise the MMEL Operational Check Requirements

United Airlines MEL Engineering asked that the MMEL operational check requirements in figure 4 to paragraph (h)(2) of the proposed AD, figure 6 to paragraph (i)(2) of the proposed AD, figure 7 to paragraph (j) of the proposed AD, and figure 8 to paragraph (k) of the proposed AD be revised to allow the use of either the ''VALVE'' light that is integral to the crossfeed valve switch, or the associated engine indication and crew alerting system (EICAS) message for the preflight operational check. UAL stated that if the ''VALVE'' light is inoperative, it would be unable to perform the check. UAL noted that MMEL relief is provided for the crossfeed valve lights.

The FAA does not agree with the commenter's request to perform the check using the ''FWD/AFT FUEL CROSSFEED'' EICAS message because there are certain crossfeed valve actuator failure modes that can cause the crossfeed valve to remain closed without the ''FWD/AFT FUEL CROSSFEED'' EICAS message being displayed. Short of directly observing the valve actuator, monitoring the VALVE light to verify that the crossfeed valve actually transitioned from closed to open is the only way to verify from the flight deck that the crossfeed valve transitioned to the open position. While MMEL relief is provided for the VALVE light, that relief is subject to the provision that the crossfeed valve is verified to operate correctly.

The FAA does agree to allow an alternative procedure that is effective if the ''VALVE'' light is inoperative, because it is possible to perform an operational check of the crossfeed valve by directly observing the movement of the actuator if the ''VALVE'' light is inoperative. The FAA has revised the referenced figures in this AD accordingly.

Request To Revise Crossfeed Valve Operational Check

The Air Line Pilots Association, International (ALPA), Allied Pilots Association (APA), and Captain Stewart asked for revisions to the operational checks specified in the proposed AD. Captain Stewart asked that certain crossfeed valve actions in the proposed AD be changed to require one of the following: (1) Performing the crossfeed valve operational check in flight, prior to entering the ETOPS segment of the flight, and diverting the airplane to a suitable airport if the check fails, or (2) opening the crossfeed valve prior to entry into the ETOPS segment, leaving the crossfeed valve open throughout the ETOPS segment, and diverting the airplane to a suitable airport if the valve fails to open. Captain Stewart pointed out that operation with the crossfeed valve open for the duration of the ETOPS portion of the flight was proven effective at a major airline.

ALPA, while supporting the inclusion of an operational check prior to dispatch of ETOPS flights, stated that since the action in the proposed AD is not directed at a specific crossfeed valve failure mode, and is instead intended to identify and minimize the exposure to any crossfeed valve failure mode, it is important to check the crossfeed valve in its normal operating environment during flight. ALPA therefore requested that the proposed AD be revised to include an AFM requirement for airplanes with only one crossfeed valve, and a MEL requirement for airplanes with two crossfeed valves, for an operational check of the crossfeed valve during cruise, prior to the entering ETOPS airspace.

APA had no objection to the steps for checking the crossfeed valve operation, using the procedure recommended by the original equipment manufacturer (OEM). APA recommended checking the crossfeed valve immediately prior to the ETOPS segment of the flight where its operation has the potential to be critical.

The FAA does not agree with the commenters' requests. Although the agency agrees that operationally checking the crossfeed valve immediately prior to entering the critical ETOPS portion of each ETOPS flight would provide a greater reduction in the risk that a crossfeed valve will fail to open in the fuel-critical phase of flight should an engine failure occur, it would also significantly increase the costs associated with each discovered failure of a crossfeed valve. The cost of an air turn-back or diversion is significantly higher than the cost of a delay for maintenance, and is likely to be greater than the cost of a flight cancellation. The FAA considered the additional costs that would be incurred by operators from an air turn-back or diversion each time a crossfeed valve fails its check, and also considered the additional reduction in exposure to latent crossfeed valve failures that develop between the time of a preflight check and the time of an ETOPS entry check. As a result of these considerations, the FAA determined that the incremental reduction in exposure to the development of a latent crossfeed valve failure due to checking the crossfeed valve in-flight prior to entry into the critical ETOPS portion of the flight, when the low probability of an engine failure is also considered, did not justify imposing those significant additional operational costs and service disruptions on affected operators.

Before the NPRM was published, the FAA discussed with Boeing the value of conducting the crossfeed valve operational check during flight under cold soak conditions (which are part of the normal operating environment), versus performing the check on the ground. As a result of some of the comments on the NPRM, the agency discussed this issue again with Boeing, and placed a record of that discussion

in the public rulemaking docket. Boeing stated that the valve actuator failure modes identified by other commenters that result in actuator failures only in cold soak conditions have been corrected in newer designs. Boeing further stated that the previous valve actuator configurations that had those issues are no longer in service. Boeing added that it had no reason to believe that a check of the current in-service crossfeed valves under cold, in-flight conditions would detect failures that would not be detected on the ground.

In addition, the FAA does not agree with the request to require operation with the crossfeed valve open throughout the ETOPS segment of flight. While operation in that configuration would prevent the need to open the crossfeed valve in the event of an engine failure, there are other failure scenarios (such as a large fuel leak or contamination of one main tank) where operating with the crossfeed valve open compromises the intended isolation and independence of the fuel system for each engine. Also, differences in fuel pump performance could cause the need for repeated switching off and on of fuel pumps to maintain balanced main tanks. The FAA considers this undesirable because a flight crew error could put one or both engines on suction feed, potentially causing engine flameout. It would also add start/stop cycles on the fuel pumps, which could cause additional pump failures. Such a procedure is not recommended or approved by either Boeing or the FAA. Finally, that procedure violates the required fuel usage procedures in the limitations section of the FAA-approved AFMs for all of the affected airplane models, which require the airplane to be operated with the crossfeed valve closed except when it is specifically required to be open for crossfeeding to maintain balanced main tanks or for a low fuel condition. Therefore, that procedure would also violate 14 CFR 91.9, which requires operators to operate aircraft in accordance with their applicable AFM limitations, unless a revised AFM was approved. In light of all these factors, the AD has not been changed in this regard.

Request To Change MMEL-Related Requirements

Captain Stewart recommended that the proposed AD be revised to require an MMEL revision with clearly written provisions that identify the appropriate verification to confirm that no latent faults exist. Captain Stewart added that there is no benefit in mandating specific (M) & (O) procedures in the proposed AD, because it would cause an unnecessary administrative burden. Captain Stewart concluded that MELs published without the adequate (M) & (O) procedures indicates a failure of the MEL review/approval process at the flight standards district office (FSDO) or certificate management office (CMO) level.

The FAA infers that the commenter is requesting that the MEL entries for operation with an inoperative crossfeed valve or fuel balancing system (for Model 787 airplanes) state the requirement for and objectives of the MEL maintenance and operational requirements, rather than mandating specific maintenance or operational procedures. The FAA does not agree with the commenter's request. In this case, there are various ways that the operational or maintenance check can be done, some of which would not detect all of the possible crossfeed valve failure modes. Therefore, the FAA has determined that the agency should maintain control over the operational and maintenance check procedures used. Operators may, however, apply for an AMOC in accordance with paragraph (o) of this AD, provided they can show that their proposed alternative operational or maintenance procedures adequately address the unsafe condition. The AD has not been changed in this regard.

Request To Exempt Certain Airplanes

FedEx asked that the proposed AD be revised to exclude airplanes that are not used for ETOPS operations from the proposed requirement to revise the existing AFM and MEL. Specifically, FedEx requested that paragraphs (h), (i), (j), and (k) of the proposed AD be revised to add ''Airplanes that are not used for ETOPS operations are exempt from the requirements of this paragraph.'' FedEx stated that the proposed AD does not allow for exemption of affected fleets that are not certified or utilized for ETOPS operations. FedEx reported that its fleets include the types of airplanes affected by the proposed AD, but that only its Model 777F airplanes are certified for ETOPS operations.

The FAA does not agree with the commenter's request. The addition of the language proposed by the commenter is not sufficient to ensure that the existing AFM and MEL will be updated as required by this AD if there is an operational change in the future. However, operators may apply for an AMOC in accordance with paragraph (o) of this AD, provided they submit a proposal that (1) describes how the operator will ensure that future introduction of ETOPS operations includes the required AFM and MEL changes and (2) is supported by its FAA POI. The AD has not been changed in this regard.

Request To Clarify Instructions for Operational Check

FedEx and Japan Airlines (JAL) asked that the language in figure 8 to paragraph (k) of the proposed AD be revised to include instructions for a fuel crossfeed valve operational check including ''steps on the ground prior to engine start.'' The commenters requested that ''prior to engine start'' be changed to ''prior to each flight.'' FedEx stated that this language should be clarified given that the intent of the proposed AD is to prevent fuel in the main tank associated with the failed engine from being unavailable to the remaining operative engine, potentially resulting in a forced off-airport landing. JAL stated that the time for performing the operational check in the proposed AD is more restrictive than that in the MMEL. JAL added that since both are the same action, that compliance time should be the same.

The FAA acknowledges the commenters' concerns regarding potential misunderstanding of when to perform the operational check, and agree that clarification is necessary. The FAA infers that FedEx found that figure 8 to paragraph (k) of this AD was not sufficiently clear that the operational check is intended to be performed prior to each flight. The FAA presumes that FedEx's concern is that an operator might perform the operational check only once prior to the first engine start after placing the other inoperative crossfeed valve on MEL relief, but not prior to subsequent flights on the MEL. The intent of the procedure is that an operational check of the crossfeed valve be performed, by maintenance personnel or flightcrew, immediately prior to each ETOPS flight, as was stated in the ''Proposed AD Requirements'' section of the NPRM.

The FAA disagrees with using the specific language proposed by FedEx because its language would not alleviate the confusion about the intent of the requirement, and might be interpreted as allowing the check to be performed at any time prior to flight, as opposed to immediately prior to each flight. Although the comment from FedEx requested a change to figure 8 to paragraph (k) of this AD, which provides the required MEL revision for the Model 767, the FAA is satisfied that the MEL language in figure 7 to paragraph (j) of this AD, figure 8 to paragraph (k) of this AD, figure 9 to paragraph (l) of this AD, and figure 10

to paragraph (m) of this AD is clear with respect to the intended timing of performing the crossfeed valve operational check.

The general intent of operational procedures in the existing MEL is that they are associated with each flight conducted with the inoperative equipment. However, the comments provided caused the agency to reconsider whether the corresponding language in the AFM revisions required for airplanes equipped with single crossfeed valves are sufficiently clear regarding the intended timing for the check. In light of this, figure 1 to paragraph (g)(1) of this AD, figure 3 to paragraph (h)(1) of this AD, and figure 5 to paragraph (i)(1) of this AD of this AD have been revised to clarify the AFM limitations on airplanes equipped with a single crossfeed valve. However, the language in other figures, including figure 8 to paragraph (k) of this AD, have not been changed.

Request To Change Time for Performing Operational Check

DAL asked that the time for performing the operational check be changed to the last hour of the cruise flight, instead of prior to each ETOPS flight. DAL stated that solder joint cracks at the connectors and electronic assembly could cause intermittent or hard fault failure of the motor-operated crossfeed valves (MOVs) that is difficult to detect during the ground test prior to each ETOPS flight. DAL added that a cold soak test at the end of the cruise flight will better detect intermittent MOV failures than a test performed on the ground.

The FAA does not agree with the commenter's request. At the FAA's request, Boeing examined the commenter's statements, and Boeing provided comments. A record of the phone conversation in which Boeing provided its comments was placed in the public rulemaking docket for this AD. Boeing stated that the valve actuator failure modes described by DAL that tended to occur in cold conditions were successfully addressed by design improvements, and that the valve actuator configurations that were susceptible to failures that could only be detected in cold conditions have been replaced on operational aircraft and are no longer in service. Boeing added that its more recent failure data shows that the timing of failures is random, and that the ability to detect a failed crossfeed valve is no longer significantly impacted by environmental conditions during the operational check.

As previously discussed, the FAA has determined that the greatest practical reduction in risk during operation with a single operational crossfeed valve would be achieved by requiring the operational check as close as possible to the beginning of the fuel-critical ETOPS portion of the flight. However, as noted, the impact of requiring the operational check in flight, just prior to entry into the ETOPS portion of the flight, would cause a significant number of air turn-backs and diversions at significant cost, so the FAA, with agreement from Boeing, proposed the check requirement for immediately prior to each ETOPS flight. Therefore, this AD has not been changed in this regard.

Request To Reduce Compliance Time

ALPA asked that the compliance time be reduced from 120 to 90 days. ALPA stated that the proposed AD would not require extensive, one-time maintenance actions on affected airplanes, but only revision of existing AFM and MEL actions, thus the commenter recommended a shorter compliance time.

The FAA does not agree with the commenter's request. In conjunction with Boeing, the FAA has determined that the compliance time for each airplane model will accommodate the time necessary to accomplish the actions required by this AD and maintain an adequate level of safety. In addition, the suggested compliance time change would alter the requirements of this AD, so additional rulemaking would be required, ultimately delaying issuance of the AD. The FAA finds that delaying this action further is inappropriate in light of the identified unsafe condition. However, if additional data are presented that would justify a shorter compliance time, the FAA may consider further rulemaking on this issue. The AD has not been changed in this regard.

Request To Add Airplanes to Applicability

American Airlines asked that Model 737–7, –8, and –9 (MAX) airplanes be added to the applicability of the proposed AD. American Airlines stated that the design on these airplanes is similar to that of the Model 737 Classic and Next Gen airplanes.

The FAA does not agree with the request. Although the commenter is correct about the similar design, this unsafe condition was identified at the time of certification of the 737 MAX airplanes as a planned airworthiness directive against the existing Model 737 airplanes. Therefore, Boeing included the requirement for the operational check of the crossfeed valve required by this AD in the FAA-approved AFM for the 737 MAX airplanes. The AD has not been changed in this regard.

Engineering Oversight

Captain Stewart and APA stated that it is an engineering oversight that new production ETOPS airplanes are being certificated with only one fuel crossfeed valve installed.

The FAA acknowledges the commenter's concern about the risk associated with two-engine ETOPS airplanes that depend on a single active component to allow the remaining engine to access all of the remaining fuel on board after an engine failure. However, the allowance for such designs was not an engineering oversight, but a result of how the initial 120-minute ETOPS type-design standards were developed with existing airplanes in mind, of the later 180-minute ETOPS type-design standards being developed based on the 120-minute standards, and of conscious decision making by Boeing and the FAA associated with AD 88–21–03 R1 (which applies to certain Airbus Model A300 and A310–200 series airplanes, and Boeing Model 737–200, 737–300, 757–200, 767–200, and 767–300 series airplanes) and certification of the Model 737–700 airplane. Discussion of the potential need for improvements to airworthiness standards is outside the scope of the actions required by this AD. Therefore, the AD has not been changed in this regard.

Report of Incident

Commenter Amirul Ismail provided what appears to be a pilot report of an instance where an operational check of the crossfeed valve on a Model 737–800 airplane resulted in the VALVE light failing to extinguish. The incident appears to be an indication-related fault rather than a valve actuator failure. No change to the final rule has been made.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. The FAA has determined that these minor changes:

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

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Costs of Compliance

The FAA estimates that this AD affects 3,252 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM Revision (2,127 airplanes)	1 work-hour × $85 per hour = $85	$0	$85	$180,795
MEL Revision (1,125 airplanes)	1 work-hour × $85 per hour = $85	0	85	95,625

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–19–10 The Boeing Company: Amendment 39–19746; Docket No. FAA–2017–1024; Product Identifier 2017–NM–065–AD.

(a) Effective Date

This AD is effective January 16, 2020.

(b) Affected ADs

This AD affects AD 88–21–03 R1, Amendment 39–6077 (53 FR 46605, November 18, 1988) (''AD 88–21–03 R1'').

(c) Applicability

This AD applies to all The Boeing Company airplanes, certificated in any category, identified in paragraphs (c)(1) through (5) of this AD.

(1) Model 737–300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes.

(2) Model 757–200, –200PF, –200CB, and –300 series airplanes.

(3) Model 767–200, –300, –300F, and –400ER series airplanes.

(4) Model 777–200, –200LR, –300, –300ER, and –777F series airplanes.

(5) Model 787–8 and 787–9 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of fuel crossfeed valves failing to open when activated during flight. The FAA is issuing this AD to prevent an airplane from being dispatched on an extended operations (ETOPS) flight with a single fuel crossfeed valve (due to design or due to minimum equipment list (MEL) dispatch of a dual crossfeed valve equipped airplane with one crossfeed valve inoperative) that cannot be opened or a fuel balancing system that cannot properly operate when activated. This condition could cause the fuel in the main tank associated with a failed engine to be unavailable to the remaining operative engine, potentially resulting in a forced off airport landing due to exhaustion of the remaining usable fuel and consequent loss of all engine thrust.

(f) Compliance

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

(g) AFM Revisions for Model 737 Airplanes Equipped With a Single Fuel Crossfeed Valve

For airplanes identified in paragraph (c)(1) of this AD: Within 120 days after the effective date of this AD, do the actions specified in paragraphs (g)(1) and (2) of this AD.

(1) Revise the ''Extended Range Operations'' subsection of the ''Fuel System Limitations'' section of the Section 1 Certificate Limitations of the existing airplane flight manual (AFM) by incorporating the information specified in figure 1 to paragraph (g)(1) of this AD. This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 1 to paragraph (g)(1) of this AD has been included in the ''Extended Range Operations'' subsection of the ''Fuel System Limitations'' section of the Section 1 Certificate Limitations of the general revisions of the existing AFM, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 1 to paragraph (g)(1) – *Model 737 AFM Section 1 Revision*

Fuel Crossfeed Valve Operational Check for Airplanes with a Single Crossfeed Valve (Required by AD 2019-19-10)

Prior to each extended operations (ETOPS) flight, an operational check of the fuel crossfeed valve must be performed. This check must be performed by the flight crew prior to each ETOPS flight as part of the pre-flight procedure for each specific extended range flight, or by the maintenance crew no earlier than one hour prior to the flight crew boarding the aircraft for the purpose of flight.

(2) Revise the ''Extended Range Operations'' section of the Section 3 Normal Procedures of the existing AFM by incorporating the information specified in figure 2 to paragraph (g)(2) of this AD. This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 2 to paragraph (g)(2) of this AD has been included in the ''Extended Range Operations'' section of Section 3 Normal Procedures of the existing AFM, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 2 to paragraph (g)(2) – *Model 737 AFM Section 3 Revision*

Extended Range Operations (Required by AD 2019-19-10)

Fuel Crossfeed Valve Operational Check

Unless accomplished by maintenance personnel as part of preparing the airplane for the specific ETOPS flight, do the following steps on the ground prior to engine start.

Crossfeed selector……..Open
Verify that the VALVE OPEN light illuminates bright, then dim

Crossfeed selector……..Closed
Verify that the VALVE OPEN light illuminates bright, then extinguishes

(h) AFM Revisions for Model 757 Airplanes Equipped With a Single Fuel Crossfeed Valve

For airplanes identified in paragraph (c)(2) of this AD having line numbers 1 through 518 inclusive, on which the actions specified in Boeing Service Bulletin 757–28–0029 (second fuel crossfeed valve installation) have not been done: Within 120 days after the effective date of this AD, do the actions specified in paragraphs (h)(1) and (2) of this AD. For Model 757 airplanes identified in this paragraph, if the actions specified in Boeing Service Bulletin 757–28–0029 have been done, the actions specified in this paragraph are no longer required for that airplane and the actions specified in paragraph (j) of this AD must be done before further flight after the actions specified in Boeing Service Bulletin 757–28–0029 have been performed.

(1) Revise the ''Extended Range Operations'' section of the Section 1 Certificate Limitations of the existing AFM by incorporating the information specified in figure 3 to paragraph (h)(1). This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 3 to paragraph (h)(1) of this AD has been included in the ''Extended Range Operations'' section of the Section 1 Certificate Limitations of the general revisions of the existing AFM, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 3 to paragraph (h)(1) – *Model 757 AFM Section 1 Revision*

Fuel Crossfeed Valve Operational Check for Airplanes with a Single Crossfeed Valve (Required by AD 2019-19-10)

Prior to each extended operations (ETOPS) flight, an operational check of the fuel crossfeed valve must be performed. This check must be performed by the flight crew prior to each ETOPS flight as part of the pre-flight procedure for each specific extended range flight, or by the maintenance crew no earlier than one hour prior to the flight crew boarding the airplane for the purpose of flight.

(2) Revise the ''Extended Range Operations'' section of Section 3 Normal Procedures of the existing AFM by incorporating the information specified in figure 4 to paragraph (h)(2) of this AD. This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 4 to paragraph (h)(2) of this AD has been included in the ''Extended Range Operations'' section of Section 3 Normal Procedures of the existing AFM, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 4 to paragraph (h)(2) – *Model 757 AFM Section 3 Revision*

Fuel Crossfeed Valve Operational Check (Required by AD 2019-19-10)

Unless accomplished by maintenance personnel as part of preparing the airplane for the specific ETOPS flight, do the following steps on the ground prior to engine start.

Crossfeed selector……..ON
Verify that the VALVE light illuminates, then extinguishes

Crossfeed selector……..OFF
Verify that the VALVE light illuminates, then extinguishes

If the VALVE light is inoperative, it is acceptable to have ground personnel verify by direct observation the opening and closing of the crossfeed valve during this procedure.

(i) AFM Revisions for Model 767 Airplanes Equipped With a Single Fuel Crossfeed Valve

For airplanes identified in paragraph (c)(3) of this AD having line numbers 1 through 430 inclusive on which the actions specified in Boeing Service Bulletin 767–28–0034 (second fuel crossfeed valve installation) have not been done as of the effective date of this AD: Within 120 days after the effective date of this AD, do the actions specified in paragraphs (i)(1) and (2) of this AD. For airplanes on which the actions specified in Boeing Service Bulletin 767–28–0034 have been done, the actions specified in this paragraph are no longer required for that airplane and the actions specified in paragraph (k) of this AD must be done before further flight.

(1) Revise the ''Extended Range Operations'' section of the Section 1 Certificate Limitations of the existing AFM by incorporating the information specified in figure 5 to paragraph (i)(1) of this AD. This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 5 to paragraph (i)(1) of this AD has been included in the ''Extended Range Operations'' section of the Section 1 Certificate Limitations of the general revisions of the existing AFM, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 5 to paragraph (i)(1) – *Model 767 AFM Section 1 Revision*

Fuel Crossfeed Valve Operational Check for Airplanes with a Single Crossfeed Valve (Required by AD 2019-19-10)

Prior to each extended operations (ETOPS) flight, an operational check of the fuel crossfeed valve must be performed. This check must be performed by the flight crew prior to each ETOPS flight as part of the pre-flight procedure for each specific extended range flight, or by the maintenance crew no earlier than one hour prior to the flight crew boarding the airplane for the purpose of flight.

(2) Revise the ''Extended Range Operations'' section of Section 3.1 Normal Procedures of the existing AFM by incorporating the information specified in figure 6 to paragraph (i)(2) of this AD. This may be done by inserting a copy of this AD into the existing AFM. When a statement identical to that in figure 6 to paragraph (i)(2) of this AD has been included in the ''Extended Range Operations'' section of Section 3.1 Normal Procedures of the existing AFM, the general revisions may be inserted into the existing AFM, and the copy of this AD may be removed from the existing AFM.

Figure 6 to paragraph (i)(2) – *Model 767 AFM Section 3.1 Revision*

Fuel Crossfeed Valve Operational Check (Required by AD 2019-19-10)

Unless accomplished by maintenance personnel as part of preparing the airplane for the specific ETOPS flight, do the following steps on the ground prior to engine start.

Crossfeed selector……..ON
Verify that the VALVE light illuminates, then extinguishes

Crossfeed selector……..OFF
Verify that the VALVE light illuminates, then extinguishes

If the VALVE light is inoperative, it is acceptable to have ground personnel verify by direct observation the opening and closing of the crossfeed valve during this procedure.

(j) MEL Revisions for Model 757 Airplanes Equipped With Dual Fuel Crossfeed Valves

For airplanes identified in paragraph (c)(2) of this AD having line numbers 519 and subsequent; and for airplanes identified in paragraph (c)(2) of this AD having line numbers 1 through 518 inclusive, on which a second fuel crossfeed valve has been installed, as specified in Boeing Service Bulletin 757–28–0029: Within 120 days after the effective date of this AD, revise the operator's existing FAA-approved MEL by incorporating the information specified in figure 7 to paragraph (j) of this AD as a required operations procedure when dispatching for ETOPS operation with an inoperative fuel crossfeed valve. Specific alternative MEL wording to accomplish the actions specified in figure 7 to paragraph (j) of this AD can be approved by the operator's principal operations inspector (POI).

Figure 7 to paragraph (j) – *Model 757 MEL Revision*

Fuel Crossfeed Valve Operational Check (Required by AD 2019-19-10)

Unless accomplished by maintenance personnel as part of preparing the airplane for the specific ETOPS flight, do the following steps on the ground prior to engine start.

Crossfeed selector……..ON
Verify that the VALVE light illuminates, then extinguishes

Crossfeed selector……..OFF
Verify that the VALVE light illuminates, then extinguishes

If the VALVE light is inoperative, it is acceptable to have ground personnel verify by direct observation the opening and closing of the crossfeed valve during this procedure.

(k) MEL Revisions for Model 767 Airplanes Equipped With Dual Fuel Crossfeed Valves

For airplanes identified in paragraph (c)(3) of this AD having line numbers 431 and subsequent; and for airplanes identified in paragraph (c)(3) of this AD having line numbers 1 through 430 inclusive on which a second fuel crossfeed valve has been installed, as specified in Boeing Service Bulletin 767–28–0034: Within 120 days after the effective date of this AD, revise the operator's existing FAA-approved MEL by incorporating the information specified in figure 8 to paragraph (k) of this AD as a required operations procedure when dispatching for ETOPS operation with an inoperative fuel crossfeed valve. Specific alternative MEL wording to accomplish the actions specified in figure 8 to paragraph (k) of this AD can be approved by the operator's POI.

Figure 8 to paragraph (k) – *Model 767 MEL Revision*

Fuel Crossfeed Valve Operational Check (Required by AD 2019-19-10)

Unless accomplished by maintenance personnel as part of preparing the airplane for the specific ETOPS flight, do the following steps on the ground prior to engine start.

Crossfeed selector……..ON
Verify that the VALVE light illuminates, then extinguishes

Crossfeed selector……..OFF
Verify that the VALVE light illuminates, then extinguishes

If the VALVE light is inoperative, it is acceptable to have ground personnel verify by direct observation the opening and closing of the crossfeed valve during this procedure.

(l) MEL Revisions for Model 777 Airplanes

For airplanes identified in paragraph (c)(4) of this AD: Within 120 days after the effective date of this AD, revise the operator's existing FAA-approved MEL by incorporating the information specified in figure 9 to paragraph (l) of this AD as a required operations procedure when dispatching for ETOPS operation with an inoperative fuel crossfeed valve. Specific alternative MEL wording to accomplish the actions specified in figure 9 to paragraph (l) of this AD can be approved by the operator's POI.

Figure 9 to paragraph (l) – *Model 777 MEL Revision*

Fuel Crossfeed Valve Operational Check (Required by AD 2019-19-10)

Before each departure, perform the following fuel crossfeed valve check:

1. Position operative crossfeed valve on and verify associated FUEL CROSSFEED AFT or FWD advisory message does not display.

2. Position operative crossfeed valve off and verify associated FUEL CROSSFEED AFT or FWD advisory message does not display.

(m) MEL Revisions for Model 787 Airplanes

For airplanes identified in paragraph (c)(5) of this AD: Within 120 days after the effective date of this AD, revise the operator's existing FAA-approved MEL by incorporating the information specified in figure 10 to paragraph (m) of this AD into the MEL requirements for each of the inoperative items specified in paragraphs (m)(1) through (4) of this AD. Specific alternative MEL wording to accomplish the actions specified in figure 10 to paragraph (m) of this AD can be approved by the operator's POI.

(1) 28–21–01–01 Pressure Refueling System, Main Tank Inboard Refuel Valve.

(2) 28–22–06 Fuel Balance Switch.

(3) 28–26–01 Defuel/Isolation Valves.

(4) 28–41–01–01 Main Tank Fuel Quantity Indication Systems.

Figure 10 to paragraph (m) – *Model 787 MEL Revision*

(Required by AD 2019-19-10)

Before the first ETOPS departure after the (insert the name of the applicable dispatch relief item identified in paragraphs (m)(1) through (m)(4) of AD 2019-19-10) is determined to be inoperative, perform the following maintenance (M) procedure prior to flight. If the item remains inoperative, this maintenance procedure is not required on subsequent ETOPS departures if the crossfeed valve operated normally on the operations (O) pre-flight check.

MAINTENANCE (M)
Verify crossfeed valve operates normally.

1. Gain access to the crossfeed valve in the main gear wheel well.

2. Set Fuel Control Panel (P5) CROSSFEED switch to ON and visually confirm the valve drive moves from the closed (C) position to the open (O) position.

3. Set Fuel Control Panel (P5) CROSSFEED switch to OFF and visually confirm the valve drive moves from the open (O) position to closed (C) position.

Before each ETOPS flight conducted with this item inoperative, perform the following operational check as part of the pre-flight check of the airplane. This check may be performed by either the flight crew or ground crew.

OPERATIONS (O)
1. Prior to each flight, verify crossfeed valve operates normally.

A. Set Fuel Control Panel (P5) CROSSFEED switch to ON and after 15 seconds confirm FUEL CROSSFEED advisory message does not display.

B. Set Fuel Control Panel (P5) CROSSFEED switch to OFF and after 15 seconds confirm FUEL CROSSFEED advisory message does not display.

2. For fuel balancing, do the FUEL BALANCE SYS Non-Normal Checklist.

(n) AD 88–21–03 R1 AFM Limitation Removal

After the applicable AFM limitations specified in paragraphs (g)(1), (h)(1), and (i)(1) of this AD are incorporated into an airplane's existing AFM, operators may remove the AFM limitation required by AD 88–21–03 R1, for that airplane.

(o) Alternative Methods of Compliance (AMOCs)

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

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

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

(p) Related Information

For more information about this AD, contact Jon Regimbal, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3557; email: *Jon.Regimbal@faa.gov.*

(q) Material Incorporated by Reference

None.

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

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–26736 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0494; Product Identifier 2019–NM–051–AD; Amendment 39–19801; AD 2019–23–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD was prompted by reports that the nose landing gear (NLG) retracted on the ground, with weight on the airplane's wheels, due to the incorrect installation of an NLG downlock pin in the apex pin inner bore of the NLG lock link assembly. This AD requires installing an insert to prevent installation of the pin in the incorrect location. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 16, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 16, 2020.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0494.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0494; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3528; email: *allen.rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM published in the **Federal Register** on July 23, 2019 (84 FR 35352). The NPRM was prompted by reports that the NLG retracted on the ground, with weight on the airplane's wheels, due to the incorrect installation of an NLG downlock pin in the apex pin inner bore of the NLG lock link assembly. The NPRM proposed to require installing an insert to prevent installation of the pin in the incorrect location.

The FAA is issuing this AD to address the NLG downlock pin being incorrectly installed in the apex pin inner bore of the NLG lock link assembly, which could result in the NLG retracting on the ground, possibly causing serious injuries to personnel and passengers and substantial damage to the airplane.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise Applicability of the Proposed AD

American Airlines (AAL) requested that the FAA revise the applicability of the AD to specify the affected part numbers of the NLG lock link assembly rather than the affected airplanes because the affected parts may be swapped between airplanes. AAL noted that paragraph A.2. of Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019, specifies to identify, modify, and part mark the spares. AAL suggested that once the apex bin inner bore insert is installed in the NLG lock link assembly in production, the NLG lock link assembly part number should also change. AAL requested that, should the FAA not revise the applicability of the proposed AD to affected part numbers, the applicability of the proposed AD be revised to include all Model 787 airplanes rather than only the airplanes specified in Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019. AAL asserted that the unsafe condition applies to all airplanes.

The FAA disagrees with the request to revise the applicability of this AD. This AD does not require operators to identify, modify, or part mark their spares. Paragraph (g) of this AD specifies to accomplish the actions in accordance with the Accomplishment Instructions of Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019, and does not specify to accomplish actions in accordance with paragraph A.2. of Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019. Therefore, the FAA has determined that it is appropriate for this AD to apply to Boeing Model 787–8, 787–9, 787–10 airplanes, line numbers 6 through 848 inclusive, as specified in Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019. Only these airplanes need to have the apex bin inner bore insert installed in order to address the identified unsafe condition.

Regarding AAL's request to revise the applicability to all Model 787 airplanes, Boeing will incorporate the apex pin inner bore insert as part of the airplane type design at line number 849 and subsequent. At that time, the NLG lock link assembly will change part numbers, and the airplane type design will be changed as a result. If an operator installs an NLG lock link assembly of a different part number than what is defined as airplane type design, then the airplane would be out of compliance. Consequently, all airplanes will be required to have the apex pin inner bore insert installed in the NLG lock link assembly. No changes have been made to the applicability of this AD.

Requests To Change NLG Lock Link Assembly Part Number Post-Installation

AAL requested that the FAA revise the proposed AD to add a requirement that the NLG lock link assembly part number be changed upon installing the apex pin inner bore insert. AAL reasoned that the NLG lock link would be modified as an assembly and that, even though the airplane may be in the proper configuration, there would be no documentation to support the modification having been accomplished. AAL also noted that there is no consistent procedure for marking the change identification of the NLG lock link assembly amongst operators, which could lead to configuration issues when parts are exchanged between airlines. AAL suggested that operators should be informed on how Boeing is marking the change identification of the NLG lock link assemblies that are in production.

The FAA does not agree with the request. Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019, identifies the Boeing assigned NLG lock link assembly part number prior to installation of the apex pin inner bore insert and indicates that there is no new Boeing part number for the changed NLG lock link assembly. Boeing Service Bulletin B787–81205–SB320040–00, Issue 001, dated March 12, 2019 (which is referred to in Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019), specifies to mark the change identification of the NLG lock link assembly to indicate the apex pin bore insert has been installed. Operators are not required to change the identification as specified in Boeing Service Bulletin B787–81205–SB320040–00, Issue 001, dated March 12, 2019. Each operator has the latitude to identify the installed part that is consistent with their internal operating procedures. Operators may contact Boeing for information on how production airplanes are being marked for change identification of the NLG lock link assembly. The AD has not been changed in this regard.

Request To Allow Alternative Method of Compliance (AMOC)

United Airlines (UAL) requested that the FAA issue an AMOC that would allow the apex pin inner bore to be completely filled with sealant. UAL stated that it recognized the possible unsafe condition of the NLG downlock pin being incorrectly installed in the apex pin inner bore of the NLG lock link assembly, and plugged the apex pin inner bore with sealant as a preventive modification. UAL explained that it applied this modification to its entire fleet prior to the issue of Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019, and it proposed to add the apex pin inner bore insert at the time of the next component overhaul to maintain configuration control.

The FAA disagrees with the request. The FAA and Boeing are concerned that filling the apex pin inner bore with sealant is not a long term solution because the sealant may deteriorate and degrade over the life of the landing gear. The FAA has determined that the proposed apex pin inner bore insert is a more robust solution that will address the unsafe condition and withstand the harsh environment of the NLG. The AD has not been changed in this regard. However, if any person has data that would justify an alternative solution, that person may request approval of an AMOC under the provisions of paragraph (i) of this AD.

Requests To Identify a Certain Step as Non-RC (Required for Compliance)

UAL requested that the FAA identifies the step that specifies to mark the change identification of the NLG lock link assembly as Non-RC. UAL predicted that each operator will implement their own unique change identification method and reasoned that its own internal controls clearly identify its compliance with the requirements and accomplishment of the modification, which would negate the need to require change identification of the NLG lock link assembly.

The FAA agrees to clarify. The change identification of the NLG lock link assembly is not required for compliance. The change identification in the Requirements Bulletin is a ''refer to'' procedure. As stated in a note under the Accomplishment Instructions of Boeing Requirements Bulletin B787–81205–SB320040–00, Issue 001, dated March 12, 2019, procedures marked as ''refer to'' may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC. The AD has not been changed in this regard.

Request To Clarify NLG Retraction Incident

Boeing requested that the FAA clarify the Discussion of the NPRM to state that the NLG retraction incident that took place in March of 2016 was caused by the lack of an NLG downlock pin being installed on the NLG, not by the installation of an NLG downlock pin in an incorrect location. Boeing conceded that the event was an inadvertent NLG retraction, but maintained that the event was not due to the NLG downlock pin being installed incorrectly.

We partially agree with the request to change the Discussion section of the NPRM. As specified above, the design approval holder noted in their investigation that the inadvertent NLG retraction in March of 2019 was caused by a missing NLG downlock pin. However, we also received a safety recommendation submitted by Aviation Technical Services that indicated the probable cause was that the NLG downlock pin was installed in the wrong location for both incidents referenced in the Discussion section of the NPRM.

We note that we have received conflicting information about the March 2016 incident and what was the probable cause of the incident. However, we have not changed this final rule in this regard because the Discussion section of the NPRM is not restated in the final rule.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019. The service information describes procedures for installing an insert into the apex pin inner bore of the NLG lock link assembly to prevent the NLG downlock pin from being inserted in the incorrect location. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD would affect 73 airplanes of U.S. registry. The agency estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install insert	2 work-hours × $85 per hour = $170	$1,820	$1,990	$145,270

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–23–07 The Boeing Company: Amendment 39–19801; Docket No. FAA–2019–0494; Product Identifier 2019–NM–051–AD.

(a) Effective Date

This AD is effective January 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by reports that the nose landing gear (NLG) retracted on the ground, with weight on the airplane's wheels, due to the incorrect installation of an NLG downlock pin in the apex pin inner bore of the NLG lock link assembly. The FAA is issuing this AD to address the NLG downlock pin being incorrectly installed in the apex pin inner bore of the NLG lock link assembly, which could result in the NLG retracting on the ground, possibly causing serious injuries to personnel and passengers and substantial damage to the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Service Bulletin B787–81205–SB320040–00, Issue 001, dated March 12, 2019, which is referred to in Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019.

(h) Exceptions to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019, uses the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB320040–00 RB,'' this AD requires using ''the effective date of this AD.''

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

For more information about this AD, contact Allen Rauschendorfer, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des

Moines, WA 98198; phone and fax: 206–231–3528; email: *allen.rauschendorfer@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Requirements Bulletin B787–81205–SB320040–00 RB, Issue 001, dated March 12, 2019.

(ii) [Reserved]

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

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on December 2, 2019.

John Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–26734 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0188; Product Identifier 2018–NM–174–AD; Amendment 39–19781; AD 2019–22–02]

RIN 2120–AA64

Airworthiness Directives: The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. This AD requires, for the Captain's and First Officer's seats, repetitive horizontal actuator identifications, repetitive checks of the horizontal movement system (HMS), a detailed inspection of the HMS for certain airplanes, and applicable on-condition actions. This AD also requires an inspection to determine the part number and, if applicable, the serial number of the Captain's and First Officer's seats, and applicable on-condition actions. This AD also provides an optional terminating action for the repetitive actions for certain seats. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 16, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 16, 2020.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0188.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0188; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. The NPRM published in the **Federal Register** on April 8, 2019 (84 FR 13840). The NPRM was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The NPRM proposed to require, for the Captain's and First Officer's seats, repetitive horizontal actuator identifications, repetitive checks of the HMS, a detailed inspection of the HMS for certain airplanes, and applicable on-condition actions. The NPRM also proposed to require an inspection to determine the part number and, if applicable, the serial number of the Captain's and First Officer's seats and applicable on-condition actions. The NPRM also proposed to provide an optional terminating action for the repetitive actions for certain seats.

The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. An uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Supportive Comments

Virgin Atlantic Airways and commenters Zhangyi Ye and Sunita Kavthekar expressed their support for the NPRM.

Request To Clarify Maintenance Log Review Requirement

Lufthansa Airlines (Lufthansa) stated that it is not possible for its mechanics to do a maintenance log review on wing using the procedures specified in Part A.1.c. of Ipeco Service Bulletin 258–25–14, Issue 4, dated January 29, 2018.

The FAA infers that the commenter is referring to the concurrent requirements specified in Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, as required by paragraph (g) of this AD.

The FAA offers the following clarification: The concurrent

requirement in Ipeco Service Bulletin 258–25–14, Issue 4, dated January 29, 2018, contains Note 4, which specifies: ''Part A—Inspection for the limit switch and the actuator assembly inspections can be accomplished on the aircraft or on a test fixture.'' Part A—Inspection requires checks of maintenance logs. Maintenance log reviews are completed off-wing, typically where maintenance logs are kept. The on-aircraft, or on-test fixture activity described in Note 4, refers to the physical inspection of parts, which might be required, for example, to determine a part number, a serial number, or a condition. Therefore, the AD has not been changed in this regard.

Request To Clarify Certain Corrective Actions

Lufthansa stated that Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, identified as a source of service information for performing certain actions in the proposed AD, does not provide a permanent and acceptable level of safety by including a redesign of the horizontal actuator (including the shaft), which is required to withstand and limit maximum loads to the horizontal output shaft to prevent failure at any phase of seat operation.

Lufthansa added that this could be achieved by decoupling the shaft when the maximum force is exceeded, or by a shutdown of the electronics when the voltage is too high. Lufthansa added that further inspections at the intervals specified in the service information are not considered effective, and conditions leading to horizontal actuator shaft failures can occur at any time in between these inspections. Therefore, a more effective solution would be a crew procedure. Lufthansa concluded that it expected a terminating action for modified/compliant airplanes (*e.g.,* mandatory maintenance documentation amendments).

The FAA offers the following clarification. The FAA has identified the unsafe condition in this final rule as an uncommanded fore or aft seat movement during a critical phase of flight, such as takeoff or landing, that could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

The FAA does not concur with the commenter's statement that inspections at intervals are not effective. The FAA considered the safety implications in defining the actions required by this AD and determined the actions address the unsafe condition for all of the airplanes identified in this AD.

In addition, the terminating action for certain seats (those having part number series 3A258) is identified in paragraph (j) of this AD, which specifies the installation of a serviceable Captain's or First Officer's seat as specified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018. A serviceable Captain's or First Officer's seat is defined in paragraph 3.A. of the referenced service information (*i.e.,* certain seat part numbers that have an horizontal actuator with Artus part number (P/N) AD8650503 at 'Amendment C' or later, which is the redesigned horizontal actuator that is designed to withstand the limit loads that contribute to the unsafe condition).

Additionally, as specified in the referenced service information, if the horizontal actuator is not P/N AD8650503 'Amendment C' or later, the operator has the option to install a power-deactivated seat as specified in the appropriate airplane maintenance manual (AMM) procedure (AMM procedure 25–11–01–01), in lieu of the terminating action or until the horizontal actuator can be serviced in accordance with the appropriate service information. This provision removes the unsafe condition in the time between the inspections.

For seats on which a terminating action is not yet available, the FAA has determined that repetitive checks of the HMS and the option to install a power-deactivated seat adequately address the unsafe condition. Thus, a crew procedure is not needed. However, if the FAA obtains and analyzes additional data that indicates the unsafe condition is not addressed by this AD, The FAA might consider further rulemaking to mandate a terminating action for all seats. The AD has not been changed in this regard.

Request To Change Applicability to Affected Components

United Parcel Service Co. (UPS) asked that paragraph (g) of the proposed AD be changed to mandate accomplishment of the required actions by using certain Ipeco service bulletins. UPS stated that paragraph (g) would require accomplishment of the actions using Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018. UPS noted that for the 3A258–004X and 3A090–00XX seats, other than simple foreign object debris (FOD) inspections, the referenced Boeing service information effectively specifies accomplishment of the inspections and modifications per Ipeco Service Bulletin 258–25–14, Issue 4, dated January 29, 2018; and inspections per Ipeco Service Bulletin 258–25–13, Issue 3, dated November 27, 2017, or per Ipeco Service Bulletin 211–25–06, Issue 2, dated March 21, 2018; and inspections per Ipeco Service Bulletin 211–25–05, Issue 2, dated March 21, 2018.

UPS recommends that paragraph (g) mandate the accomplishment of the applicable Ipeco service bulletin, depending on which seat is installed.

UPS also stated that there are NPRMs that mandate the same Ipeco service information via fleet-specific Boeing service information on Model 757 and 767 airplanes. UPS asked that the proposed AD be applicable to the seats using Ipeco service information for compliance, instead of applicable to the airplanes using Boeing service information for compliance.

UPS added that since the seats are interchangeable across several fleets, mandating ADs against those fleets could result in, for example, a specific seat being installed on a Model 747 airplane with records identifying compliance with a Model 767 airplane AD. UPS noted that this could lead to confusion and questions regarding compliance, when there is no notable difference between the two ADs, and the AD mandating a component service bulletin using a fleet service bulletin leaves a compliance trap for the operators. UPS recommends there be two separate ADs for this unsafe condition; one mandating the Ipeco service information, and one mandating the Boeing service information for the on-aircraft checks. UPS added that this would allow operators currently using the Ipeco service information at a shop or during a C-check to take credit for those actions at a component level in lieu of an airplane level.

The FAA infers that the commenter is asking that the agency use the Ipeco service information instead of the Boeing service information; the FAA does not agree. The Ipeco service information would necessitate a component AD, and a component AD would require operators of all airplanes on which an Ipeco seat is installed to inspect their airplanes for the affected part number.

However, the potential unsafe condition has been identified for only those airplanes that are specified in the Boeing service information. An unsafe condition has not been identified for the Ipeco seats identified in this AD that are installed on other aircraft types. Therefore, the FAA has determined that a component AD is not appropriate, which is why this AD addresses Model

747 series airplanes and other AD actions require similar actions on other Boeing airplanes for which the unsafe condition exists. Each AD addresses the unsafe condition that might exist on the airplanes identified in the applicability of each AD. If a seat has been removed from a Model 767 airplane and installed on a Model 747 airplane, the actions required by this AD would still be applicable to that seat even if that seat had previously been shown to be in compliance with a Model 767 airplane AD.

In addition, changing this airplane AD to a component AD would also require an additional public comment period and would unnecessarily delay issuance of this final rule. Therefore, the AD has not been changed in this regard.

Request To Expand Applicability

One commenter, Arjun C, stated that movement of the Captain's and First Officer's seats during flight could potentially impair the ability to effectively fly the airplane and keep all passengers safe. The commenter pointed out that it might be worth expanding the applicability in the proposed AD to all civilian airplanes flying in U.S. airspace, and noted that simply calling out a single company might be a bit myopic in scope. The commenter concluded that, overall, the proposed AD should be effective if executed properly.

The FAA does not agree with the request. The unsafe condition defined in this AD affects only airplanes with the seats having Ipeco part numbers identified in the referenced Boeing service information. Expanding the applicability as requested would cause an undue burden on operators with airplanes not subject to the unsafe condition. Therefore, the AD has not been changed in this regard.

Request To Revise Costs of Compliance Section

Boeing asked that the ''Costs of Compliance'' section in the NPRM be changed to reflect the ''actual cost'' of all the actions. Boeing stated that the seat identification, inspection, and checks involve only labor and should not include the cost of the actuator. Boeing also noted that the ''Cost on U.S. Operators'' for the inspection should be changed from ''$8,075 per seat'' to ''$85 per seat,'' and for the checks the cost should be changed from ''$16,150 per seat, per check cycle'' to ''$170 per seat, per check cycle.''

The FAA agrees that the costs of the seat identification, inspection, and checks do not include a cost for parts. In addition, the FAA has revised the figures for these actions in the ''Cost on U.S. Operators'' column by providing only the estimated fleet cost without reference to cost per seat.

Boeing asked that the actuator cost for the overhaul or replacement be increased from ''Up to $6,400 per seat'' to ''Up to $16,091 per seat,'' based on information received from the parts manufacturer with the increased parts cost.

The FAA agrees with the commenter's request to change the parts cost, for the reason provided. The FAA has changed the parts cost for the overhaul or replacement specified in the ''Costs of Compliance'' section accordingly.

Conclusion

The FAA has reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. The FAA has determined that these minor changes:

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

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018. This service information describes procedures for an inspection to determine the part number, and, if applicable, the serial number of the Captain's and First Officer's seats and applicable on-condition actions. On-condition actions include an inspection of each seat's fore/aft and vertical manual control levers for looseness; moving the adjustment nut, tightening the lock nut, readjusting the control lever, and doing a functional test; and installing a serviceable seat.

The FAA also reviewed Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018. This service information describes procedures for repetitive horizontal actuator identifications, repetitive checks of the HMS, a detailed inspection of the HMS, and applicable on-condition actions. On-condition actions include clearing the seat tracks of FOD, an overhaul of the HMS, and checks of the HMS. The service information also describes procedures for an optional terminating action for the repetitive checks by installing a serviceable Captain's or First Officer's seat.

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

Costs of Compliance

The FAA estimates that this AD affects 95 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Horizontal actuator identification	1 work-hour × $85 per hour = $85, per seat, per identification cycle.	$0	$85, per seat, per identification cycle.	Up to $16,150, per identification cycle
Detailed inspection, horizontal movement system.	1 work-hour × 85 per hour = 85, per seat.	0	85, per seat	Up to 16,150
Checks, horizontal movement system	2 work-hour × 85 per hour = 170, per seat, per check cycle.	0	170, per seat, per check cycle.	Up to 32,300, per check cycle
Seat inspection (part and serial number)	1 work-hour × 85 per hour = 85, per seat.	0	85, per seat	16,150

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Action	Labor cost	Parts cost	Cost per product
Overhaul or replacement, horizontal movement system.	Up to 15 work-hours × $85 per hour = Up to $1,275, per seat.	Up to $16,091, per seat.	Up to $17,366, per seat
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × 85 per hour = 85, per seat	0	85, per seat
Installation of serviceable seats	1 work-hour × 85 per hour = 85, per seat	0	85, per seat
Clearing FOD	1 work-hour × 85 per hour = 85, per seat	0	85, per seat
Functional test, adjusted control lever cable	1 work-hour × 85 per hour = 85, per seat	0	85, per seat

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to $46,064.

The FAA has received no definitive data that would enable the agency to provide cost estimates for the optional terminating action for the on-condition repetitive checks specified in this 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 AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–22–02 The Boeing Company: Amendment 39–19781; Docket No. FAA–2019–0188; Product Identifier 2018–NM–174–AD.

(a) Effective Date

This AD is effective January 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. An uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

(f) Compliance

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

(g) Repetitive Horizontal Actuator Identifications, Detailed Inspection, and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified in paragraph (i) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018.

(h) Seat Identification and On-Condition Actions

Within 36 months after the effective date of this AD, do an inspection of the nameplate on the Captain's and First Officer's seats for the part number, and serial number as applicable, and do all applicable on-condition actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018. A review of the airplane maintenance records may be used for the seat inspection if the part number and serial number can be conclusively determined from that review.

(i) Exception to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where

Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(j) Terminating Action for Repetitive Actions for Certain Seats

Installation of a serviceable Captain's or First Officer's seat as specified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, terminates the repetitive actions required by paragraph (g) of this AD, for that seat only.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(l) Related Information

For more information about this AD, contact Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018.

(ii) Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018.

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

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on November 20, 2019.

Dorr Anderson,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–26708 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0503; Airspace Docket No. 19–AGL–19]

RIN 2120–AA66

Amendment of Class D and E Airspace and Establishment of Class E Airspace; La Crosse, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace, the Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface, and establishes a Class E airspace area designated as an extension to Class D and Class E surface areas at La Crosse Regional Airport, La Crosse, WI. This action is due to an airspace review caused by the decommissioning of the La Crosse VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the La Crosse Regional Airport and the name of La Crosse Regional Airport and Mayo Clinic Health System-Franciscan Healthcare, La Crosse, WI, are also being updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, March 26, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of

airspace. This regulation is within the scope of that authority as it amends the Class D airspace, the Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface, and establishes a Class E airspace area designated as an extension to Class D and Class E surface areas at La Crosse Regional Airport, La Crosse, WI, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 35049; July 22, 2019) for Docket No. FAA–2019–0503 to amend the Class D airspace, the Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface, and establish a Class E airspace area designated as an extension to Class D and Class E surface areas at La Crosse Regional Airport, La Crosse, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71:

Amends the Class D airspace at La Crosse Regional Airport, La Crosse, WI, by updating the name (previously La Crosse Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E surface airspace at La Crosse Regional Airport by updating the name (previously La Crosse Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; adding an altitude limit of 3,200 feet MSL; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Establishes a Class E airspace area designated as an extension to Class D and Class E surface areas at La Crosse Regional Airport within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the La Crosse Regional Airport to 5.3 miles north of the La Crosse Regional: RWY 18–LOC; within 1 mile each side of the 036° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.7 miles east of the airport; and within 1 mile each side of the 216° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport;

And amends the Class E airspace extending upward from 700 feet above the surface at La Crosse Regional Airport by updating the name (previously La Crosse Municipal Airport) and geographic coordinates of La Crosse Regional Airport to coincide with the FAA's aeronautical database; removes the La Crosse VOR/DME and the associated extension from the airspace legal description; updates the name of Mayo Clinic Health System-Franciscan Healthcare (previously Saint Francis Medical Center) to coincide with the FAA's aeronautical database; adds an extension 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 7.1 miles north of the airport; adds an extension within 2.9 miles each side of the 036° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 9.6 miles northeast of the airport; adds an extension 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 7.4 miles southeast of the airport; and adds an extension 2 miles each side of the 216° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 11.3 miles southwest of the airport.

This action is necessary due to an airspace review caused by the decommissioning of the La Crosse VOR, which provided navigation information for the instrument procedures at this airport, as part of the VOR MON Program.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL WI D La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.4-mile radius of La Crosse Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

AGL WI E2 La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.4-mile radius of La Crosse Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL WI E4 La Crosse, WI [Establish]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52′01″ N, long. 91°15′31″ W)

That airspace extending upward from the surface within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport, and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the La Crosse Regional Airport to 5.3 miles north of the La Crosse Regional: RWY 18–LOC, and within 1 mile each side of the 036° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport, and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.7 miles east of the airport, and within 1 mile each side of the 216° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL WI E5 La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)
Mayo Clinic Health System-Franciscan Healthcare, WI, Point In Space Coordinates
(Lat. 43°47′39″ N, long. 91°14′00″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of La Crosse Regional Airport, and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius to 7.1 miles north of the airport, and within 2.9 miles each side of the 036° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius to 9.6 mile northeast of the airport, and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius from the airport to 7.4 mile southeast of the airport, and within 2 miles each side of the 216° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius to 11.3 miles southwest of the airport, and within a 6-mile radius of the point in space serving Mayo Clinic Health System-Franciscan Healthcare.

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

Steve Szukala,

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

[FR Doc. 2019–26609 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0549; Airspace Docket No. 19–AGL–22]

RIN 2120–AA66

Amendment of Class D and E Airspace; Alpena, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace, the Class E surface airspace, the Class E airspace designated as an extension to Class D and Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface at Alpena County Regional Airport, Alpena, MI. This action is due to an airspace review caused by the decommissioning of the Au Sable VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The name of MidMichigan Medical Center-Alpena, Alpena MI, is also being updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, March 26, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace, the Class E surface airspace, the Class E airspace designated as an extension to Class D and Class E surface airspace, and the Class E

airspace extending upward from 700 feet above the surface at Alpena County Regional Airport, Alpena, MI, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 35047; July 22, 2019) for Docket No. FAA–2019–0549 to amend the Class D airspace, the Class E surface airspace, the Class E airspace designated as an extension to Class D and Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface at Alpena County Regional Airport, Alpena, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71:

Amends the Class D airspace to within a 4.3-mile radius (decreased from a 4.4-mile radius) of Alpena County Regional Airport, Alpena, MI; and updates the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E surface airspace to within a 4.3-mile radius (decreased from a 4.4-mile radius) of Alpena County Regional Airport; adds a 3,200 MSL altitude limit to the airspace legal description; removes the Alpena VORTAC and associated extensions from the airspace legal description; and updates the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E airspace designated as an extension to Class D and Class E surface areas at Alpena County Regional Airport by amending the extension to the north to within 4.8 mile west and 3 miles east of the Alpena VORTAC 355° radial extending from the 4.3 mile radius of the Alpena County Regional Airport to 7 miles north of the Alpena VORTAC; and removes the extension to the south from the airspace legal description as it is no longer needed;

And amends the Class E airspace extending upward from 700 feet above the surface to within a 6.8-mile radius (decreased from a 7-mile radius) of the Alpena County Regional Airport; removes the FELPS NDB and the associated extension from the airspace legal description; adds an extension 10 miles west and 6 miles east of the Alpena VORTAC 355° radial extending from the 6.8-mile radius of the Alpena County Regional Airport to 10 miles north of the Alpena VORTAC; adds an extension 3.9 miles each side of the Alpena VORTAC 194° radial extending from the 6.8-mile radius of the Alpena County Regional Airport to 14.3 miles south of the Alpena VORTAC; and updates the name of MidMichigan Medical Center-Alpena, Alpena, MI (previously Alpena General Hospital), to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Au Sable VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL MI D Alpena, MI [Amended]

Alpena County Regional Airport, MI
(Lat. 45°04′41″ N, long. 83°33′37″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.3-mile radius of Alpena County Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

AGL MI E2 Alpena, MI [Amended]

Alpena County Regional Airport, MI
(Lat. 45°04′41″ N, long. 83°33′37″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.3-mile radius of Alpena County Regional Airport. This Class E airspace area

is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL MI E4 Alpena, MI [Amended]

Alpena County Regional Airport, MI
(Lat. 45°04′41″ N, long. 83°33′37″ W)
Alpena VORTAC
(Lat. 45°04′58″ N, long. 83°33′25″ W)

That airspace extending upward from the surface within 4.8 miles west and 3 miles east of the Alpena VORTAC 355° radial extending from the 4.3-mile radius of the Alpena County Regional Airport to 7 miles north of the Alpena VORTAC.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Alpena, MI [Amended]

Alpena County Regional Airport, MI
(Lat. 45°04′41″ N, long. 83°33′37″ W)
Alpena VORTAC
(Lat. 45°04′58″ N, long. 83°33′25″ W)
MidMichigan Medical Center-Alpena, MI,
Point in Space Coordinates
(Lat. 45°04′38″ N, long. 83°26′53″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Alpena County Regional Airport, and within 10 miles west and 6 miles east of the Alpena VORTAC 355° radial extending from the 6.8-mile radius of Alpena County Regional Airport to 10 miles north of the Alpena VORTAC, and within 3.9 miles each side of the Alpena VORTAC 194° radial extending from the 6.8-mile radius of the Alpena County Regional Airport to 14.3 miles from the Alpena VORTAC, and within a 6-mile radius of the Point in Space serving MidMichigan Medical Center-Alpena.

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

Steve Szukala,

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

[FR Doc. 2019–26610 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31285; Amdt. No. 3881]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective December 12, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 12, 2019.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html* .

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29 Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency

action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on November 29, 2019.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 30 January 2020

Mountain Village, AK, Mountain Village, RNAV (GPS) RWY 2, Amdt 2
Mountain Village, AK, Mountain Village, RNAV (GPS) RWY 20, Amdt 2
Mountain Village, AK, Mountain Village, Takeoff Minimums and Obstacle DP, Amdt 2
Redding, CA, Redding Muni, ILS OR LOC RWY 34, Amdt 12
Redding, CA, Redding Muni, LOC BC RWY 16, Amdt 8
Redding, CA, Redding Muni, RNAV (GPS) RWY 16, Orig
Redding, CA, Redding Muni, RNAV (GPS) RWY 34, Amdt 2
Redding, CA, Redding Muni, Takeoff Minimums and Obstacle DP, Amdt 5C
Redding, CA, Redding Muni, VOR RWY 34, Amdt 11
San Luis Obispo, CA, San Luis County Rgnl, RNAV (GPS) RWY 11, Amdt 2
San Luis Obispo, CA, San Luis County Rgnl, RNAV (GPS) RWY 29, Amdt 1
Denver, CO, Centennial, ILS OR LOC RWY 35R, Amdt 10B
Steamboat Springs, CO, Steamboat Springs/Bob Adams Field, Takeoff Minimums and Obstacle DP, Amdt 2
Walden, CO, Walden-Jackson County, RNAV (GPS) RWY 4, Orig
Washington, DC, Manassas Rgnl/Harry P Davis Field, RNAV (GPS) RWY 16L, Amdt 1D
Washington, DC, Manassas Rgnl/Harry P Davis Field, RNAV (GPS) RWY 16R, Amdt 1C
Washington, DC, Manassas Rgnl/Harry P Davis Field, RNAV (GPS) RWY 34R, Amdt 3A
Fort Lauderdale, FL, Fort Lauderdale/Hollywood Intl, Takeoff Minimums and Obstacle DP, Amdt 7
Miami, FL, Miami Intl, RNAV (GPS) Z RWY 8R, Amdt 1C
Denison, IA, Denison Muni, RNAV (GPS) RWY 12, Amdt 1B
Denison, IA, Denison Muni, RNAV (GPS) RWY 30, Amdt 1B
Fairfield, IA, Fairfield Muni, RNAV (GPS) RWY 18, Amdt 3
Fairfield, IA, Fairfield Muni, RNAV (GPS) RWY 36, Amdt 2
Shelbyville, IL, Shelby County, RNAV (GPS) RWY 36, Orig-D
Colby, KS, Shalz Field, RNAV (GPS) RWY 17, Amdt 1B
Colby, KS, Shalz Field, RNAV (GPS) RWY 35, Amdt 1C
Washington, KS, Washington County Veteran's Memorial, RNAV (GPS) RWY 17, Amdt 1A
Lexington, KY, Blue Grass, RNAV (GPS) RWY 4, Amdt 1B
Beverly, MA, Beverly Rgnl, LOC RWY 16, Amdt 7E
Beverly, MA, Beverly Rgnl, RNAV (GPS) RWY 16, Amdt 1F
Lakeview, MI, Lakeview-Griffith Field, RNAV (GPS) RWY 10, Orig-C
Lakeview, MI, Lakeview-Griffith Field, VOR/DME RWY 10, Orig-B, CANCELLED
Longville, MN, Longville Muni, NDB RWY 31, Amdt 1A
Longville, MN, Longville Muni, RNAV (GPS) RWY 13, Orig-A
Longville, MN, Longville Muni, RNAV (GPS) RWY 31, Orig-B
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) Y RWY 11, Orig-E
Winnemucca, NV, Winnemucca Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Winnemucca, NV, Winnemucca Muni, VOR RWY 14, Amdt 1
Winnemucca, NV, Winnemucca Muni, WINNEMUCCA ONE, Graphic DP
Syracuse, NY, Syracuse Hancock Intl, ILS OR LOC RWY 10, Amdt 14
Syracuse, NY, Syracuse Hancock Intl, ILS OR LOC RWY 28, ILS RWY 28 (SA CAT I), ILS RWY 28 (CAT II), Amdt 35
Syracuse, NY, Syracuse Hancock Intl, RNAV (GPS) RWY 15, Amdt 2
Syracuse, NY, Syracuse Hancock Intl, RNAV (GPS) RWY 33, Amdt 2
Syracuse, NY, Syracuse Hancock Intl, RNAV (GPS) Z RWY 10, Amdt 3
Syracuse, NY, Syracuse Hancock Intl, TACAN RWY 33, Amdt 1
Syracuse, NY, Syracuse Hancock Intl, VOR RWY 15, Amdt 23B, CANCELLED
Lima, OH, Lima Allen County, RNAV (GPS) RWY 10, Amdt 1C
Toledo, OH, Toledo Express, RNAV (GPS) RWY 7, Amdt 1C
Toledo, OH, Toledo Express, RNAV (GPS) RWY 25, Amdt 2C
Toledo, OH, Toledo Express, RNAV (GPS) RWY 34, Orig-C
Toledo, OH, Toledo Express, VOR RWY 34, Amdt 7D, CANCELLED
Antlers, OK, Antlers Muni, RNAV (GPS) RWY 35, Orig-B
Antlers, OK, Antlers Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Redmond, OR, Roberts Field, RNAV (GPS) RWY 11, Amdt 3
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 5, Amdt 3
Babelthuap Island, PW, Babelthuap/Koror, Takeoff Minimums and Obstacle DP, Amdt 2
Palestine, TX, Palestine Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Waco, TX, Waco Rgnl, ILS OR LOC RWY 19, Amdt 17
Waco, TX, Waco Rgnl, RNAV (GPS) RWY 14, Amdt 1
Waco, TX, Waco Rgnl, RNAV (GPS) RWY 19, Amdt 1
Richfield, UT, Richfield Muni, RNAV (GPS) RWY 19, Amdt 1C
Guernsey, WY, Camp Guernsey, NDB RWY 32, Amdt 2

[FR Doc. 2019–26615 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31286; Amdt. No. 3882]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective December 12, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 12, 2019.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on November 29, 2019.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
2–Jan–20	TX	Eagle Pass	Maverick County Memorial Intl.	9/3424	11/18/19	RNAV (GPS) RWY 13, Amdt 1B.
2–Jan–20	TX	Atlanta	Hall-Miller Muni	9/3561	11/14/19	RNAV (GPS) RWY 5, Amdt 1B.
2–Jan–20	AL	Haleyville	Posey Field	9/5495	11/19/19	VOR/DME RWY 18, Amdt 5B.

[FR Doc. 2019–26611 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Part 5

[Docket ID ED–2019–OS–0083]

RIN 1880–AA89

Availability of Information to the Public

AGENCY: Office of the Secretary, Department of Education.

ACTION: Final rule.

SUMMARY: The Department of Education (''Department'') issues a final rule amending its Availability of Information to the Public regulations to reflect amendments to the Freedom of Information Act (''FOIA'') made by the FOIA Improvement Act of 2016 (''Improvement Act'') and a minor technical update. Among other things, the Improvement Act requires the Department to amend its FOIA regulations to extend the deadline for administrative appeals for FOIA decisions, add information on dispute resolution services, and amend the way the Department charges fees for FOIA requests.

DATES: These final regulations are effective December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Gregory Smith, 400 Maryland Avenue SW, Room 7W104, Washington, DC 20202. Telephone: (202) 401–8365. Email: *Gregory.Smith@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: In this final rule, we are revising sections in 34 CFR part 5 based on statutory amendments to FOIA (5 U.S.C. 552) that were made by the Improvement Act (Pub. Law 114–185) and to make a minor, technical update. The following paragraphs describe the specific statutory changes and the revisions we are making to the regulations.

Subpart B—Agency Records Available to the Public

§ 5.10 Public Reading Room

Statute: The Improvement Act amended 5 U.S.C. 552(a)(2) to require that each agency ensure that certain categories of records are available for public inspection in an electronic format, rather than available in person for copying, as previously required. The amendments also expanded the categories of records that must be made available for public inspection to include records that have been requested under FOIA three or more times.

Current Regulations: Current § 5.10(a) requires the Department to maintain a public reading room containing certain agency records required to be made available for public inspection and copying under FOIA. Current § 5.10(b) provides that the public reading room will include certain categories of records, such as final opinions, orders in adjudications, and agency records released to the public pursuant to a FOIA request and that are likely to be the subject of future FOIA requests. Current § 5.10(c) requires the Department to make the reading room records available for inspection electronically.

New Regulations: We are amending § 5.10 to reflect the emphasis in 5 U.S.C. 552(a)(2) on electronic inspection for agency records created on or after November 1, 1996, including by renaming the section and reorganizing the requirements. Although the new regulations continue to allow the Department to maintain its reading room, we are revising § 5.10 to highlight that the Department is only required to make such records available for public inspection in an electronic format, rather than available in person for copying. In § 5.10(a), we are adding to the list of records required to be made available records requested three or more times under FOIA, and, in § 5.10(c), we have clarified that, for records created before November 1, 1996, the Department will continue to make hard copies available upon request in accordance with 5 U.S.C. 552(a)(3).

Reason: We are revising § 5.10 so it aligns with the Improvement Act.

Subpart C—Procedures for Requesting Access to Agency Records and Disclosure of Agency Records

§ 5.20 Requirements for Making FOIA Requests

Statute: Under 5 U.S.C. 552(a)(3)(A), a request for records must reasonably describe the records and be made in accordance with published rules stating the time, place, fees, and procedures to be followed. It does not explicitly require a requester to provide contact information upon filing a request.

Current Regulations: Under current § 5.20(a), a FOIA request for an agency record must be in writing (via paper, facsimile, or electronic mail) and transmitted to the Department as indicated on the Department's website.

New Regulations: We are adding to § 5.20(a) that each request must include a valid email or physical address, and we are omitting reference to the manner

in which the submission must be made, as the procedures are specified on the Department's FOIA web page.

Reason: The Department has received requests without the requester's contact information, which makes it difficult for the Department to transmit the responsive records to the requester as well as to seek clarification regarding the request, if needed. Further, the Department elects to specify the submission procedures on its FOIA web page, rather than its regulations, to maintain flexibility to change the procedures to adapt to changing circumstances and best serve the public.

§ 5.21 Procedures for Processing FOIA Requests

Statute: The Improvement Act amended 5 U.S.C. 552(a)(6) in several respects. First, under section 552(a)(6)(B)(ii), if a request is extended more than 10 working days from the 20-day processing time limit, the requester has the right to seek dispute resolution services from the Office of Government Information Services. Second, when a requester receives a notice of determination, the requester may seek dispute resolution services from the FOIA Public Liaison.

Current Regulations: The current regulations do not reflect the rights and procedures that were created through the Improvement Act.

New Regulations: We are amending § 5.21 to provide requesters with the opportunity to seek dispute resolution assistance from the Office of Government Information Services when a processing extension is more than 10 days after the 20-day time limit. We are also amending § 5.21 to require written notification to the requester of the right to seek dispute resolution from the Public FOIA Liaison or the Office of Government Information Services regarding issues with the processing of the request.

Reason: We are revising § 5.21 so it aligns with the Improvement Act.

Subpart D—Fees

§ 5.32 Assessment of Fees

Statute: Under 5 U.S.C. 552(a)(4)(A)(viii)(I), an agency may not generally charge search fees (or, in certain instances, duplication fees) if it has failed to reply to a request within the time limit under section 552(a)(6), except in two instances. First, if unusual circumstances (as described in section 552(a)(4)(A)(viii)(II)(aa) and (bb)) exist, section 552(a)(4)(A)(viii)(II) authorizes an agency to charge search fees (or duplication fees) if it provides timely written notice to the requester in accordance with section 552(a)(4)(A)(viii)(II)(aa) and it complies with the request within 10 days of the end of the 20-day processing period. Second, an agency may charge search fees (or duplication fees) if more than 5,000 pages are necessary to respond to the request and the agency has discussed with the requester via written mail, electronic mail, or telephone (or made at least three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with section 552(a)(4)(A)(viii)(II)(bb).

Current Regulations: The current regulations allow the Department to charge fees without regard to whether the Department has exceeded the processing time (or a negotiated extension).

New Regulations: We are amending § 5.32 so that search fees or duplication fees can be assessed in the event the Department exceeds the processing time only if the requester has been timely advised of unusual circumstances and either: (1) the Department complies with the request within 10 days of the end of the 20-day processing period; or (2) more than 5,000 pages are necessary to respond to the request, and the Department has contacted the requester (or made at least three good-faith attempts) about ways to narrow or revise the scope of the request.

Reason: We are revising § 5.32 so it aligns with the Improvement Act.

Subpart E—Administrative Review

§ 5.40 Appeals of Adverse Determinations

Statute: The Improvement Act amended 5 U.S.C. 552(a)(6)(A)(i)(III)(aa) to require agencies to provide at least 90 days to appeal an adverse determination.

Current Regulations: The current regulations provide a requester with 35 calendar days from the date of an adverse determination letter, issued by the Department, to submit an appeal.

New Regulations: We are amending § 5.40 so requesters can file an appeal within 90 calendar days of the date on the adverse determination letter issued by the Department.

Reason: We are revising § 5.40 so it aligns with the Improvement Act.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of FOIA, the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f)(1) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2020, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Because this final rule is not a significant regulatory action, Executive Order 13771 does not apply.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things, and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety,

and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The final regulations are not expected to have a significant impact because they are designed to merely implement statutory changes to the FOIA process. These changes relate to the procedures we use for administering the FOIA program, and the additional burden they impose on our stakeholders or the Department, if any, is minor.

Waiver of Proposed Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice and comment rulemaking when the agency for good cause finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Rulemaking is ''unnecessary'' when ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Utility Solid Waste Activities Group* v. *EPA,* 236 F.3d 749, 755 (DC Cir. 2001), *quoting* U.S. Department of Justice, *Attorney General's Manual on the Administrative Procedure Act* 31 (1947) and *South Carolina* v. *Block,* 558 F. Supp. 1004, 1016 (D.S.C. 1983). These regulations merely reflect statutory changes or make minor changes to agency procedure and do not establish or affect substantive policy. Therefore, under 5 U.S.C. 553(b)(B), the Secretary has determined that proposed regulations are unnecessary.

The APA generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). As previously stated, because the final regulations merely reflect statutory changes and minor changes to agency procedure, there is good cause to waive the delayed effective date in the APA and make the final regulations effective upon publication..

Regulatory Flexibility Act Certification

The Regulatory Flexibility Act does not apply to this rulemaking because there is good cause to waive notice and comment under 5 U.S.C. 553.

Paperwork Reduction Act of 1995

The final regulations do not create any new information collection requirements.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects in 34 CFR Part 5

Freedom of information.

Dated: December 6, 2019.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 5 of title 34 of the Code of Federal Regulations as follows:

PART 5—AVAILABILITY OF INFORMATION TO THE PUBLIC

■ 1. The authority citation for part 5 is revised to read as follows:

Authority: 5 U.S.C. 552, 20 U.S.C. 1221e-3, and 20 U.S.C. 3474.

■ 2. Section 5.10 is amended by revising paragraphs (a) through (c) to read as follows:

§ 5.10 Agency records.

(a) *Electronic inspection.* (1) Pursuant to 5 U.S.C. 552(a)(2), the Department makes available for public inspection in an electronic format the following records created on or after November 1, 1996:

(i) Final opinions and orders in adjudications;

(ii) Statements of policy and interpretations adopted by the Department and not published in the **Federal Register;**

(iii) Administrative staff manuals and instructions affecting the public; and

(iv) Copies of all agency records regardless of form or format released to the public pursuant to a FOIA request that the Department determines are likely to be the subject of future FOIA requests or have been requested three or more times.

(2) The Department currently makes the agency records described in paragraph (a)(1) of this section available for public inspection in an electronic format through its electronic reading room located on the Department's FOIA website at *http://www2.ed.gov/policy/gen/leg/foia/readingroom.html.*

(b) *Public reading room.* The Department may maintain a public reading room containing the agency records described in paragraph (a)(1) of this section. The Department's public reading room is currently located at the National Library of Education, 400 Maryland Avenue SW, Plaza Level (Level B), Washington, DC 20202–0008. To visit the public reading room, members of the public can contact the Department's FOIA Service Center via email at *EDFOIAManager@ed.gov.*

(c) *Hard copies.* For any agency records that are not made available for

public inspection in the **Federal Register** or pursuant to paragraph (a) of this section, the Department will, upon request, provide hard copies in accordance with 5 U.S.C. 552(a)(3).

* * * * *

■ 3. Section 5.20 is amended by revising paragraph (a) to read as follows:

§ 5.20 Requirements for making FOIA requests.

(a) *Making a FOIA request.* Any FOIA request for an agency record must be in writing, must include a valid electronic mail or physical address, and must be transmitted to the Department as indicated on the Department's website. See *www.ed.gov/policy/gen/leg/foia/request_foia.html.*

* * * * *

■ 4. Section 5.21 is amended by:
■ a. Revising paragraphs (e) introductory text and (g).
■ b. Redesignating paragraph (h)(2)(ii)(E) as paragraph (h)(2)(ii)(G).
■ c. Adding new paragraphs (h)(2)(ii)(E) and (F).

The revisions and additions read as follows:

§ 5.21 Procedures for processing FOIA requests.

* * * * *

(e) *Extension of time period for processing a FOIA request.* The Department may extend the time period for processing a FOIA request only in unusual circumstances, as described in paragraphs (e)(1) through (3) of this section, in which case the Department notifies the requester of the extension in writing. For extensions of more than 10 additional working days, the Department must also notify the requester, in writing, of the right to seek dispute resolution services from the Office of Government Information Services. A notice of extension affords the requester the opportunity either to modify its FOIA request so that it may be processed within the 20-day time limit, or to arrange with the Department an alternative time period within which the FOIA request will be processed. For the purposes of this section, unusual circumstances include:

* * * * *

(g) *Notification of determination.* Once the Department makes a determination to grant a FOIA request in whole or in part, it notifies the requester in writing of its decision and of the right to seek assistance from the Department's FOIA Public Liaison.

(h) * * *

(2) * * *

(ii) * * *

(E) A statement notifying the requester of the right to seek assistance from the Department's FOIA Public Liaison.

(F) A statement notifying the requester of the right to seek dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services.

* * * * *

■ 5. Section 5.32 is amended by adding paragraph (b)(4) to read as follows:

§ 5.32 Assessment of fees.

* * * * *

(b) * * *

(4) If the Department has failed to comply with any time limit in 5 U.S.C. 552(a)(4)(A)(viii)(I), the Department may not assess search fees, except as otherwise provided in this paragraph. If the Department has determined that unusual circumstances (as described in § 5.21(e)) apply, it may assess search fees (or, for requesters with preferred fee status, it may assess duplication fees) if the Department gives the requester timely written notice under § 5.21(e) and responds to the FOIA request within 10 additional working days. If unusual circumstances apply and more than 5,000 pages are necessary to respond to the request, the Department may assess search fees (or, for requesters with preferred fee status, duplication fees) if the Department gives the requester timely written notice under § 5.21(e) and the Department discussed with the requester via written mail, electronic mail, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request.

* * * * *

§ 5.40 [Amended]

■ 6. Section 5.40 is amended by removing the number ''35'' and adding ''90'' in its place in the first sentence of paragraph (b).

[FR Doc. 2019–26705 Filed 12–11–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 51

RIN 2900–AO57

Contracts and State Home Care Agreements for State Home Nursing Home Care

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This rulemaking adopts as final, with minor changes, an interim final rule amending the Department of Veterans Affairs (VA) regulations governing payments under contracts or State home care agreements between VA and State homes for the nursing home care of certain disabled veterans. The minor changes include revising the authority citation to be consistent with the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks (VA MISSION) Act of 2018.

DATES: This rule is effective on January 13, 2020.

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Director of Policy and Planning, Office of Community Care (10D), Veterans Health Administration, Department of Veterans Affairs, Ptarmigan at Cherry Creek, Denver, CO 80209, (303) 372–4629. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 6, 2012, VA published an interim final rule in the **Federal Register**, 77 FR 72738, implementing VA's authority to use contracts and provider agreements to pay for certain State nursing home care under section 105 of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (the Act), Public Law 112–154, 126 Stat. 1165, which was enacted on August 6, 2012. The interim final rule became effective on February 2, 2013, in accordance with the statutory deadline to implement this authority. Interested persons were invited to submit comments on or before February 4, 2013. VA received 13 comments.

Subsequently, section 103 of the VA MISSION Act of 2018, Public Law 115–182 (conforming amendments for State veterans homes), amended 38 U.S.C. 1745(a), which authorizes VA agreements for State home nursing home care. The amendments require non-substantive changes to § 51.41.

In addition to finalizing the interim final rule and implementing section 103 of the VA MISSION Act of 2018, we are also correcting a patent error in paragraph (e) and making other non-substantive changes to bring the section current with amendments to 38 CFR part 51 since publication of the interim final rule, to include updating a United States Code citation in paragraph (g). We are also renaming the agreements VA enters with State homes to ensure the name is not confused with the name of another type of agreement VA may enter under the authority of a different section of title 38 United States Code. We discuss these below, following the responses to the public comments.

Based on the rationale set forth in the interim final rule and in this document, VA is adopting the interim final rule as final with minor changes described below.

VA pays State veterans homes for providing nursing home care to eligible veterans under 38 U.S.C. 1741 and 1745. Prior to the Act, VA paid State homes for this care on a per diem basis under a grant program. The revised regulation at 38 CFR 51.41 authorized VA to use contracts or provider agreements (hereafter State home care agreements) to pay for the nursing home care of certain veterans in State homes: Those who need nursing home care for a service-connected disability, and those who need nursing home care and have either a singular or combined service-connected disability rating of 70 percent or more or a rating of total disability based on individual unemployability.

The Act required VA to consult with State homes to develop the payment methodology for contracts and State home care agreements. To accomplish that requirement, VA met with groups representing the State homes and with representatives of individual State veterans homes during the development of the interim final rule.

In the interim final rule, VA adopted a ''prevailing rate'' to determine the daily payments that VA will make to State homes that provide care for veterans under State home care agreements. The prevailing rate is a daily payment rate VA calculates for each State home. It incorporates, among other things, Centers for Medicare and Medicaid Services (CMS) payment rates, CMS case-level data for the geographic area, local labor costs, and physicians' fees.

During the comment period for the interim final rule, VA received several comments from State veterans homes and groups representing them. A consideration of these comments follows. Some of the issues raised by the commenters can be grouped together by similar topics, and we have organized our discussion of the comments accordingly.

Several commenters raised concerns about high-cost drugs and medications. Some stated that State homes have experienced extraordinarily high costs for drugs and medications provided to the veterans whose care would be eligible for payment by contract or State home care agreement under § 51.41. These commenters have requested that VA amend its regulations to allow State homes to negotiate with VA on a case-by-case basis for additional payments to cover the costs of high-cost drugs and medications required for a veteran's care.

By law, VA payment to a State home for care of a veteran is payment in full for care the State home provided that veteran under § 51.41. 38 U.S.C. 1745(a)(3). VA was required by statute to develop a payment methodology to adequately reimburse State homes for the care provided under the agreements with VA. 38 U.S.C. 1745(a)(2). With consultation of the State homes, as discussed above, VA established two methods of payment in § 51.41, one each for State home care agreements and contracts respectively. State home care agreements compensate State homes using the prevailing rate, which is calculated to compensate State homes for the average cost of providing nursing home care to the veterans whose care is covered in § 51.41, including, as indicated in § 51.41(c)(2), the cost of drugs and medicines. State homes that enter into contracts, on the other hand, will be compensated at the rate negotiated in the contract. State home care agreements are not individually negotiated; if a State home cannot accept the prevailing rate that VA offers (per request by the State homes) in a State home care agreement, that State home has the option to request a contract under § 51.41 and would then be able to negotiate with VA specific rates for payments for drugs and medications. VA, as required by the statute, consulted with State homes to establish the prevailing rate, and the availability of contracts allows for separate rates to be negotiated when necessary. VA believes that by creating both options it ensures that adequate compensation can be available to State homes in all situations.

Finally, there is no clear indication that State homes are being inadequately compensated for this care, even when drugs and medications must be supplied. VA received a comment from an organization representing State homes that expressed uncertainty as to whether the expenses associated with supplying high-cost drugs and medications negatively affect the State homes that receive the prevailing rate under State home care agreements. The organization proposed to study its members' drug costs after implementation of the contracting and State home care agreement authority in § 51.41 to see whether State homes are being adequately reimbursed for the costs of drugs and medications or whether State homes experience consistent hardships from providing high-cost medications. We thank the commenter for undertaking this effort and will review the results when provided. VA makes no changes to the regulation based on these comments.

Several commenters requested that VA allow State homes receiving payments under State home care agreements to opt out of receiving the physician fee component of the prevailing rate. The physician fee component is a set dollar figure that represents the average cost to a State home of providing certain physician services to veterans that are required by 38 CFR 51.150. Typically, this care is provided by physicians who are on the staff of the State home. The commenters explained that some State homes do not retain salaried physicians on their staffs to provide physician services to veterans; these State homes instead arrange for outside physicians to provide care. State homes allow these outside physicians to bill third parties, including Medicare. By accepting payment under § 51.41, State homes must use the VA payments to pay the outside physicians and cannot permit these outside physician services to be reimbursed by other payers.

VA recognizes that some State homes may not have physicians on staff, but the law requires VA to adequately reimburse State homes for nursing home care (38 U.S.C. 1745(a)(2)), and we have determined by regulation that certain physician services are part of nursing home care. Moreover, the law provides that VA payment made under the authority of 38 U.S.C. 1745 to a State home for nursing home care constitutes payment in full to the State home for the nursing home care furnished to that veteran. VA thus cannot make an exception for these State homes in this case. VA therefore makes no changes based on these comments.

Some commenters requested that VA provide additional payments for therapy services. One commenter specified, ''VA should reimburse the full costs of therapy services in the State [h]omes . . . to ensure residents receive the same high level of services provided in private nursing homes.'' The commenter explained that State home residents typically receive 50 percent of the therapy that residents of private nursing homes would receive because State homes can only bill for Medicare Part B services in accordance with Medicare Part B requirements for the level of services provided. If veterans in State home nursing homes need therapy, State homes are required by § 51.160 to provide it to receive per diem. For veterans in State home nursing homes on whose behalf VA pays basic per diem under § 51.40, State homes cannot cut back on providing therapy just because they do not obtain reimbursement from

an outside source in addition to the VA per diem. For veterans covered by this rulemaking, however, payments under State home care agreements are computed to include reimbursement for necessary therapy. State homes that believe this payment fails to cover the full cost of therapy have the option to request a contract under § 51.41 and to negotiate specific rates for therapy. VA makes no changes based on these comments.

One commenter urged VA to ''reimburse the full cost of emergency ambulance transportation to the VA hospital (or closest acute care facility in an emergent situation)'' for emergency treatment of veterans whose care is paid under § 51.41. The commenter stated: ''An ambulance is required to take [residents] to the 'nearest facility' which may not be a VA hospital. Currently, for emergency ambulance transfers, the VA hospital will bill Medicare Part A and bill the remainder to the State [h]ome. If a resident is transported to the hospital for a service-connected disability or secondary service-connected disability by association the VA should pay for this transfer consistent with the 'total cost of care' reimbursement provision of the law.'' This comment does not accurately describe the law or VA's current policies and practices.

VA has no authority to bill Medicare or State homes for a veteran's transportation in an ambulance, as suggested by the commenter. The ambulance service provider would typically be the party seeking payment for the services it provides. Moreover, in most circumstances, VA could pay for an ambulance to a VA facility for a veteran for whom VA pays per diem under § 51.41.

Whether a veteran's ambulance transportation to a VA facility is paid for by VA is dependent on that Veteran's eligibility to receive special mode transportation under VA's beneficiary travel authority, 38 U.S.C. 111, 38 CFR part 70. An ambulance is considered a special mode of transportation under this authority. VA pays for special modes of transportation if three criteria set forth in 38 CFR 70.4(d) are met: The beneficiary is unable to defray the cost of transportation under 38 CFR 70.10(c), the travel is medically required, and VHA approves the travel in advance or the travel was undertaken in connection with a medical emergency. By regulation, all veterans who have a service-connected disability rated at least 30 percent disabling and all veterans traveling in connection with treatment of a service-connected disability are considered ''unable to defray'' the expenses of travel. 38 CFR 70.10(c)(3) and 38 CFR 70.10(c)(4). VA makes case-specific determinations regarding the clinical necessity of the special mode of transportation.

Whether a veteran's ambulance transportation to a non-VA facility is paid for by VA is dependent on the nature of the treatment provided and the service-connected disability status of the Veteran. When emergency treatment can be reimbursed by VA under 38 U.S.C. 1728, the ambulance transportation will be paid for in accordance with the same rules relating to beneficiary travel that are described above. Reimbursement is authorized under 38 U.S.C. 1728 when the emergency treatment provided is for: An adjudicated service-connected disability; a non-service-connected disability associated with and held to be aggravating a service-connected disability; any disability of a veteran if the veteran has a total disability permanent in nature from a service-connected disability; or any illness, injury, or dental condition of a veteran who is a participant in a vocational rehabilitation program, and is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury or dental condition.

When the treatment provided does not meet the criteria of 38 U.S.C. 1728, it may be reimbursed in accordance with the requirements of 38 U.S.C.1725. When the treatment provided meets the requirements for reimbursement under 38 U.S.C. 1725, ambulance transportation is paid for in accordance with the payment limitations regulated at 38 CFR 17.1005. Generally speaking, this authority is used to reimburse emergency treatment that is for a non-service-connected condition.

Regardless of which authority is being relied upon for reimbursement of the cost of ambulance transportation, the rates paid are determined by existing regulations. In many instances VA pays the actual cost of the transportation, and in other circumstances, when payment is accepted by vendors, regulations state that it will serve as payment in full. VA therefore makes no changes to the regulations based on this comment.

The same commenter stated that ''VA should reimburse the full cost of any service'' required by a veteran who has been rated by VA as 100 percent disabled due to a service-connected disability. The commenter said that when such veterans are ''non-ambulatory due to 'patient safety' '' and are transported to a VA medical facility for treatment of a non-service-connected disability, the resident or the State must pay for the care. The commenter further advised that while the option for a case-by-case agreement between the VA medical facility and the resident or State home exists for this gap in covered care, if an agreement is not reached or accepted, the cost is borne by the veteran with a rating of 100 percent disabled due to service-connected disability, which is inconsistent with the ''total cost of care'' reimbursement provision in the law.

This comment does not accurately reflect the State home and VA's responsibilities to provide care to these veterans. A veteran who is rated as 100 percent disabled due to a service-connected disability would not be responsible for the costs of any care provided at a VA facility under the circumstances described in this comment, including care for a non-service-connected condition. If the care needed is care that the State home is required to provide in accordance with the State home's contract or State home care agreement with VA entered into pursuant to § 51.41, the State home can choose to use the funds it receives under that contract or agreement to obtain that care from VA. VA makes no changes to the regulation based on this comment.

Several commenters requested that VA include a statement in the State home care agreement that veterans whose care is eligible for payment under a State home care agreement ''do not forfeit their eligibility for VA benefits and programs.'' VA emphasizes that veterans residing in a State home retain their eligibility for all other VA care and services. VA will work with State homes by way of national organizational meetings and through local VA medical center staff to provide clarification or education that may be needed to ensure veterans in State homes receive the care and services for which they are eligible. These comments, however, refer to the content of the State home care agreements and not the regulation, and VA therefore makes no changes to the regulation based on these comments.

Regarding minor changes this final rulemaking makes to the interim final rule, we are removing the authority citation following § 51.41. Prior to the VA MISSION Act of 2018, section 1745(a) required that an agreement, other than a contract, between VA and a State home for nursing care be under section 1720(c)(1) of title 38. The VA MISSION Act of 2018 removed this requirement. Public Law 115–182, sec.

103(a). 38 U.S.C. 1720(c)(1)(B) allowed VA to use procedures for entering into provider agreements under section 1866(a) of the Social Security Act (codified at 42 U.S.C. 1395cc). By removing the reference to 38 U.S.C. 1720 from 38 U.S.C. 1745, the MISSION Act makes clear that VA's authority to enter into contracts and agreements with State homes for nursing home care derives solely from 38 U.S.C. 1745 and not from 38 U.S.C. 1720 or from 42 U.S.C. 1395cc, as was cited in the interim final rule.

We are removing, rather than revising the authority citation to be consistent with the requirements of the Office of the Federal Register, which publishes all federal regulations, for placement of authority citations in the Code of Federal Regulations. The authority for a part of a title of the Code of Federal Regulations immediately follows the heading of the part, in this case title 38 CFR part 51. Unique authority for a section immediately follows the general authority citation of the part. Without citation to 38 U.S.C. 1720 and 42 U.S.C. 1395cc, § 51.41 does not rely on authority unique to that section. The general authority citation of part 51 includes the authority for § 51.41. No additional authority citation is required.

We are revising the heading of paragraph (a) to name agreements between VA and State homes under this section ''State home care agreements.'' We are replacing the terms ''VA provider agreement(s)'', ''provider agreement(s)'', and ''agreement(s)'' with ''State home care agreement(s)'' throughout the section. This change ensures agreements under authority of 38 U.S.C. 1745 are not confused with ''Veterans Care Agreements'' under authority of 38 U.S.C. 1703A. Changing the name § 51.41 uses for agreements under this section does not affect the agreements in any other way.

In addition, we are correcting an error in § 51.41(e) as amended in the interim final rule. Paragraph (e) required State homes to submit forms ''in accordance with paragraph (a) of this section.'' However, paragraph (a) of § 51.41 does not mention or otherwise pertain to forms. The preamble to the interim final rule reveals paragraph (e) of that section should have referred to 51.43(a). 77 FR 72738, 72742 (Dec. 6, 2012). VA has since amended 38 CFR part 51, 83 FR 61250 (Nov. 28, 2018), and the reference to the procedures for submitting forms are now in § 51.42. We revise § 51.41(e) accordingly.

Additionally, in the interim final rule, we amended § 51.41(e) to state the forms cited in that paragraph are set forth in full in one or another of two sections of 38 CFR part 58. VA removed part 58 from title 38 CFR in August 2013. 78 FR 51673 (Aug. 21, 2013). Copies of VA forms can be obtained from any VA Medical Center and are available on our website at *www.va.gov/vaforms.* We are revising § 51.41(e) to direct readers to VA forms.

Section 51.41(f)(2), as amended in the interim final rule, states that VA provider agreements will terminate on the date of a final decision that the home is no longer recognized by VA under § 51.30. VA has since amended part 51 to regulate recognition and denial of recognition of State homes in § 51.20, certification and denial of certification in § 51.30, and termination of recognition in § 51.32. Currently, 51.41(f)(2) only refences recognition and refers to recognition as under § 51.30. Because our regulations already require recognition and certification to receive per diem payments, we are revising § 51.42(f) to also refer to certification. For consistency with part 51's recognition, certification, and termination sections, we are revising § 51.41(f)(2) by inserting ''or certified'' following ''recognized'', removing ''under § 51.30.'', and in its place inserting ''under part 51.''.

In paragraph (g), we are revising the citation, ''41 U.S.C. 351 *et seq.*'', to read, ''41 U.S.C. 7601 *et seq.*'', consistent with a redesignation of section numbers in title 41 United States Code after VA's publication of the interim final rule amending § 51.41.

Based on the rationale set forth in the interim final rule and in this document, VA is adopting the interim final rule as a final rule with the changes described above.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

Although this action contains a provision at 38 CFR 51.41(e) constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this final rule. The information collection requirements for § 51.41(e) are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 2900–0091 and 2900–0160.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published from FY 2004 through FYTD.''

This rule is not an E.O. 13771 regulatory action because it is not significant under E.O. 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Congressional Review Act

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

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.015, Veterans State Nursing Home Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; and 64.022, Veterans Home Based Primary Care.

List of Subjects in 38 CFR Part 51

Administrative practice and procedure; Claims; Day care; Dental health; Government contracts; Grant programs-health; Grant programs-veterans; Health care; Health facilities; Health professions; Health records; Mental health programs; Nursing homes; Reporting and recordkeeping requirements; Travel and transportation expenses; Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Pamela Powers, Chief of Staff, Department of Veterans Affairs, approved this document on December 4, 2019, for publication.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, the interim final rule amending 38 CFR part 51, published December 6, 2012, at 77 FR 72738, is adopted as final with the following changes:

PART 51—PER DIEM FOR NURSING HOME, DOMICILIARY, OR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES

■ 1. The general authority citation for part 51 continues to read as follows:

Authority: 38 U.S.C. 101, 501, 1710, 1720, 1741–1743, 1745, and as follows.

* * * * *

■ 2. Amend § 51.41 by revising the section heading and paragraphs (a) introductory text, (c), (d), (e), the paragraph (f) subject heading, and paragraphs (f)(2) and (g) and removing the authority citation at the end of the section.

The revisions read as follows:

§ 51.41 Contracts and State home care agreements for certain veterans with service-connected disabilities.

(a) *Contract or State home care agreement required.* VA and State homes may enter into both contracts and State home care agreements. VA will pay for each eligible veteran's care through either a contract or a ''State home care agreement.'' Eligible veterans are those who:

* * * * *

(c) *Payments under State home care agreements.* (1) State homes must sign an agreement to receive payment from VA for providing care to certain eligible veterans under a State home care agreement. State home care agreements under this section will provide for payments at the rate determined by the following formula. For State homes in a metropolitan statistical area, use the most recently published CMS Resource Utilization Groups (RUG) case-mix levels for the applicable metropolitan statistical area. For State homes in a rural area, use the most recently published CMS Skilled Nursing Prospective Payment System case-mix levels for the applicable rural area. To compute the daily rate for each State home, multiply the labor component by the State home wage index for each of the applicable case-mix levels; then add to that amount the non-labor component. Divide the sum of the results of these calculations by the number of applicable case-mix levels. Finally, add to this quotient the amount based on the CMS payment schedule for physician services. The amount for physician services, based on information published by CMS, is the average hourly rate for all physicians, with the rate modified by the applicable urban or rural geographic index for physician work, then multiplied by 12, then divided by the number of days in the year.

Note to paragraph (c)(1): The amount calculated under this formula reflects the prevailing rate payable in the geographic area in which the State home is located for nursing home care furnished in a non-Department nursing home (a public or private institution not under the direct jurisdiction of VA which furnishes nursing home care). Further, the formula for establishing these rates includes CMS information that is published in the **Federal Register** every year and is effective beginning October 1 for the entire fiscal year. Accordingly, VA will adjust the rates annually.

(2) The State home shall not charge any individual, insurer, or entity (other than VA) for the nursing home care paid for by VA under a State home care agreement. Also, as a condition of receiving payments under paragraph (c), the State home must agree not to accept drugs and medicines from VA provided under 38 U.S.C. 1712(d) on behalf of veterans covered by this section and corresponding VA regulations (payment under this paragraph (c) includes payment for drugs and medicines).

(3) Agreements under this paragraph (c) will be subject to this part, except to the extent that this part conflicts with this section. For purposes of this section, the term ''per diem'' in part 51 includes payments under State home care agreements.

(4) If a veteran receives a retroactive VA service-connected disability rating and becomes a veteran identified in paragraph (a) of this section, the State home may request payment under the State home care agreement for nursing home care back to the retroactive effective date of the rating or February 2, 2013, whichever is later. For care provided after the effective date but before February 2, 2013, the State home may request payment at the special per diem rate that was in effect at the time that the care was rendered.

(d) *VA signing official.* State home care agreements must be signed by the Director of the VA medical center of jurisdiction or designee.

(e) *Forms.* Prior to entering into a State home care agreement, State homes must submit to the VA medical center of jurisdiction a completed VA Form 10–10EZ, Application for Medical Benefits (or VA Form 10–10EZR, Health Benefits Renewal Form, if a completed VA Form 10–10EZ is already on file at VA), and a completed VA Form 10–10SH, State Home Program Application for Care—Medical Certification, for the veterans for whom the State home will seek payment under the State home care agreement. After VA and the State home have entered into a State home care agreement, forms for payment must be submitted in accordance with § 51.42. Copies of VA Forms can be obtained from any VA Medical Center and are available on our website at *www.va.gov/vaforms.*

(The Office of Management and Budget has approved the information collection requirements in this section under control numbers 2900–0091 and 2900–0160.)

(f) *Termination of State home care agreements.*

(2) State home care agreements will terminate on the date of a final decision

that the home is no longer recognized or certified by VA under part 51.

(g) *Compliance with Federal laws.* Under State home care agreements entered into under this section, State homes are not required to comply with reporting and auditing requirements imposed under the Service Contract Act of 1965, as amended (41 U.S.C. 6701, *et seq.*); however, State homes must comply with all other applicable Federal laws concerning employment and hiring practices including the Fair Labor Standards Act, National Labor Relations Act, the Civil Rights Acts, the Age Discrimination in Employment Act of 1967, the Vocational Rehabilitation Act of 1973, Worker Adjustment and Retraining Notification Act, Sarbanes-Oxley Act of 2002, Occupational Health and Safety Act of 1970, Immigration Reform and Control Act of 1986, Consolidated Omnibus Reconciliation Act, the Family and Medical Leave Act, the Americans with Disabilities Act, the Uniformed Services Employment and Reemployment Rights Act, the Immigration and Nationality Act, the Consumer Credit Protection Act, the Employee Polygraph Protection Act, and the Employee Retirement Income Security Act.

[FR Doc. 2019–26501 Filed 12–11–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2019–0429; FRL–10002–99–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Regulatory Definition of Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Delaware. The revisions pertain to amendments made to the definition of volatile organic compound (VOC) in the Delaware Administrative Code to conform with EPA's regulatory definition of VOC. EPA found that certain compounds have negligible photochemical reactivity and, therefore, has exempted them from the regulatory definition of VOC in several rulemaking actions. This revision to the Delaware SIP requested the exemption of eight compounds from the regulatory definition of VOC to match the actions EPA has taken. The revision also requested to remove the recordkeeping, reporting, modeling, and inventory requirements for t-butyl acetate (TBAC). EPA is approving these revisions to update the definition of VOC in the Delaware SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on January 13, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2019–0429. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Erin Malone, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2190. Ms. Malone can also be reached via electronic mail at *malone.erin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 3, 2019, EPA published a notice of proposed rulemaking (NPRM) for the State of Delaware. 84 FR 45931. In the NPRM, EPA proposed approving Delaware's amendment of its definition of VOC to include eight additional compounds to the list of exempt compounds and to remove the recordkeeping, reporting, and modeling requirements for TBAC. The formal SIP revision was submitted by Delaware on March 25, 2019.

II. Summary of SIP Revision and EPA Analysis

In order to conform with EPA's current regulatory definition of VOC in 40 CFR 51.100(s), Delaware amended Section 2.0 of 7 Admin. Code 1101—*Definitions and Administrative Principles* to add: trans-1,3,3,3-tetrafluoropropene (HFO-1234ze); HFE-134 (HCF_2OCF_2H); HFE-236cal2 ($HCF_2OCF_2OCF_2H$); HFE-338pcc13 ($HCF_2OCF_2CF_2OCF_2H$); H-Galden 1040X or H-Galden ZT 130 or (150 or 180) ($HCF_2OCF_2OCF_2CF_2OCF_2H$); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; and 2-amino-2-methyl-1-propanol to a list of compounds excluded from the regulatory definition of VOC. Delaware also amended the definition of VOC in 7 DE Admin. Code 1101 to remove the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for TBAC. On March 25, 2019, the State of Delaware, through the Department of Natural Resources and Environmental Control (DNREC), formally submitted these amendments to 7 DE Admin. Code 1101 as a SIP revision.

EPA determined DNREC's submission to be administratively and technically complete in the Agency's May 28, 2019 completeness letter to DNREC. The Agency's completeness letter was inadvertently not added to the docket for this rulemaking action by the time the NPRM went out for publication. The completeness letter can now be found in the docket (Docket ID Number EPA–R03–OAR–2019–0429).

On September 3, 2019, EPA published an NPRM for the State of Delaware's SIP revision. 84 FR 45931. The rationale for EPA's proposed action is explained in the NPRM and will not be restated here.[1]

EPA received two anonymous comments in response to the NPRM. One comment suggested that EPA should not approve Delaware's SIP revision to exclude the identified chemical compounds from the definition for VOC due to concerns regarding harm to the ozone layer and the air quality of ozone at the surface. The second comment was concerned with the cumulative effect of removing the identified chemicals from regulatory control and the effect of their removal on air quality and public health. A copy of the comments can be found in the docket for this rulemaking action.

EPA Response: Both comments appear to be principally concerned with EPA's prior action of approving the exclusion of these chemical compounds from the definition of VOC, thus removing them from regulatory control. However, this current rulemaking addresses Delaware's request to remove the compounds from Delaware's

[1] In the NPRM, EPA identified that the effective date of Delaware's amended regulatory changes was November 11, 2016. 84 FR 45931, 45932 (September 3, 2019). However, the actual effective date was December 11, 2016. The change in effective date is due to an error that Delaware corrected in a subsequent notice. See 20 DE Reg. 512 (January 1, 2017) (Errata).

definition of VOC to conform with EPA's regulatory definition. EPA has already reviewed, proposed, and finalized the rulemaking actions that removed the eight compounds from the federal definition of VOC (See 77 FR 37610, June 22, 2012; 78 FR 9823, February 12, 2013; 78 FR 53029, August 28, 2013; 78 FR 62451, October 22, 2013; 79 FR 17037, March 27, 2014). Since EPA is not proposing to change these final federal actions, these comments are not relevant to this rulemaking action involving Delaware's SIP. EPA already found that exempting these pollutants from the regulatory definition of VOC is consistent with the discretion provided to the Administrator in the CAA to define VOC, as explained in the rulemakings cited above. Accordingly, under CAA section 110(k)(3), EPA ''shall approve'' this SIP revision seeking to incorporate those same exemptions to the Delaware SIP.

III. Final Action

EPA is approving updates to the regulatory definition of VOC in Section 2.0 of 7 DE Admin. Code 1101, submitted on March 25, 2019 by DNREC, as a revision to the Delaware SIP, as the revision meets the requirements of CAA section 110.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the revisions to the definition of VOC in Section 2.0 of 7 DE Admin. Code 1101 discussed in Section II of this preamble. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

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

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 10, 2020. 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 updating the regulatory definition of VOC in the Delaware SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: November 27, 2019.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart I—Delaware

■ 2. In § 52.420, the table in paragraph (c) is amended under ''1101 Definitions and Administrative Principles'' by adding a third entry for ''Section 2.0'', after the second entry for ''Section 2.0'' to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP

State regulation (7 DNREC 1100)	Title/subject	State effective date	EPA approval date	Additional explanation
1101 Definitions and Administrative Principles				
*	*	*	*	*
Section 2.0	Definitions	12/11/2016	12/12/2019 [*Insert* ***Federal Register*** *citation*].	Updated definition of volatile organic compound. Previous approval 5/31/2019.
*	*	*	*	*

* * * * *

[FR Doc. 2019–26687 Filed 12–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[EPA–R08–RCRA–2018–0554; FRL–10001–40–Region 8]

North Dakota: Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule codifies in the regulations the prior approval of North Dakota's hazardous waste management program and incorporates by reference authorized provisions of the State's statutes and regulations. The Environmental Protection Agency (EPA) uses the regulations entitled, ''Approved State Hazardous Waste Management Programs,'' to provide notice of the authorization status of State programs, and to incorporate by reference those provisions of the State statutes and regulations that are authorized and that EPA will enforce under the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (RCRA). The EPA previously provided notices and opportunity for comments on the Agency's decisions to authorize the State of North Dakota program and the EPA is not now reopening the decisions, nor requesting comments, on the North Dakota authorization as previously published in the **Federal Register** documents specified in Section I.C. of this final rule document.

DATES: This action is effective January 13, 2020. The Director of the Federal Register approves this incorporation by reference as of January 13, 2020.

ADDRESSES: The documents that form the basis for this codification and associated publicly available materials are available electronically through *https://www.regulations.gov* (Docket ID No. EPA–EPA–RCRA–2019–0554). Although listed in the index, some of the information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. You can also view and copy the documents from 8:30 a.m. to 4 p.m. Monday through Friday at the following location: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, phone number (303) 312–6667. Interested persons wanting to examine these documents should make an appointment with the office at least two days in advance.

FOR FURTHER INFORMATION CONTACT: Moye Lin, RCRA State Liaison, Environmental Protection Specialist, Land, Chemicals, and Redevelopment Division, 8LCR–RC, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129; phone number (303) 312–6667; Email address: *lin.moye@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Incorporation by Reference

A. What is codification?

Codification is the process of including the statutes and regulations that comprise the State's authorized hazardous waste management program into the Code of Federal Regulations (CFR). Section 3006(b) of RCRA, as amended, allows the EPA to authorize State hazardous waste management programs to operate in lieu of the Federal hazardous waste management regulatory program. The EPA codifies its authorization of State programs in 40 CFR part 272 and incorporates by reference State statutes and regulations that the EPA will enforce under sections 3007 and 3008 of RCRA, and any other applicable statutory provisions.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the authorized State program and State requirements that can be federally enforced. This effort provides clear notice to the public of the scope of the authorized program in each State.

B. Why wasn't there a proposed rule before today's rule?

The EPA is publishing this rule to codify North Dakota's authorized hazardous waste management program without a prior proposal because we believe this action is not controversial. This rulemaking is in accordance with section 3006(b) of RCRA, the EPA has already evaluated the State's statutory and regulatory requirements and has determined that the State's program meets the statutory and regulatory requirements established by RCRA. The EPA previously provided notices and opportunity for comments on the Agency's decisions to authorize the North Dakota program. The EPA is not reopening the decisions, nor requesting new comments on the North Dakota authorizations, as previously published in the **Federal Register** documents specific in Section I.C of this final rule document. The previous authorizations

form the basis for the codification addressed in this final rule.

C. What is the history of the authorization and codification of North Dakota's hazardous waste management program?

North Dakota initially received final authorization on October 5, 1984, effective October 19, 1984 (49 FR 39328), to implement its Base Hazardous Waste Management Program. We granted authorizations for changes to their programs on June 25, 1990 (55 FR 25836), effective August 24, 1990; May 5, 1992 (57 FR 19087), effective July 6, 1992; April 7, 1994 (59 FR 16566), effective June 6, 1994; January 19, 2000 (65 FR 2897), effective March 20, 2000; June 4, 2002 (67 FR 38418), effective April 22, 2002; September 26, 2005 (70 FR 56132), effective November 25, 2005; February 14, 2008 (73 FR 8610), effective April 14, 2008; October 30, 2018 (73 FR 54521), effective October 30, 2018; and December 19, 2018 (83 FR 65101), effective April 30, 2019.

The EPA incorporated by reference North Dakota's then authorized hazardous waste program effective April 14, 2008 (73 FR 8610), and October 30, 2018 (83 FR 54521). In this document, the EPA is revising Subpart JJ of 40 CFR part 272 to include the authorization revision action effective April 30, 2019 (83 FR 65101) described in this preamble.

D. What codification decisions have we made in this rule?

In this rule, the EPA is finalizing the Federal regulatory text that includes incorporation by reference of the authorized hazardous waste management program of the State of North Dakota. In accordance with the requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the North Dakota statutory and regulatory provisions described in the amendments to 40 CFR 272.1751 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* and at the EPA Region 8 office (see the **ADDRESSES** section of this preamble for more information).

This rule codifies the EPA's authorization of North Dakota's base hazardous waste management program and its revisions to that program. The codification reflects the State program that was in effect at the time the EPA authorized the North Dakota hazardous waste management program addressed in the final rule published on December 19, 2018 (83 FR 65101). Due to unforeseen delays resulting from the lapse in appropriations, the EPA's final authorization concerning North Dakota's hazardous waste management program originally proposed December 19, 2018, with an effective date of March 15, 2019 (83 FR 65104, December 19, 2018), was delayed. Thus, the EPA granted authorization for the North Dakota program effective April 30, 2019 (84 FR 8260, March 7, 2019). The EPA is not requesting comments on its decisions published in the **Federal Register** actions concerning revisions to the authorized program in North Dakota. By codifying the authorized North Dakota program and by amending the CFR, the public will more easily be able to discern the status of the federally -approved requirements of the North Dakota program.

The EPA is incorporating by reference the EPA's approval of North Dakota's hazardous waste management program by amending Subpart JJ to 40 CFR part 272. The rule amends section 272.1751 and incorporates by reference North Dakota's authorized hazardous waste statutes and regulations. Section 272.1751 also references the demonstration of adequate enforcement authority, including procedural and enforcement provisions, which provide the legal basis for the State's implementation of the hazardous waste management program. In addition, section 272.1751 references the Memorandum of Agreement, the Attorney General's Statement, and the Program Description, which are evaluated as part of the approval process of the hazardous waste management program in accordance with Subtitle C of RCRA.

E. What is the effect of North Dakota's codification on enforcement?

The EPA retains the authority under statutory provisions, including but not limited to, RCRA sections 3007, 3008, 3013, and 7003, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions and to issue orders in all authorized states. With respect to enforcement actions, the EPA will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the State analogs to these provisions. Therefore, the EPA is not incorporating by reference North Dakota's inspection and enforcement authorities, nor are those authorities part of North Dakota's approved State program which operates in lieu of the Federal program. 40 CFR 272.1751(c)(2) lists the statutory and regulatory provisions which provide the legal basis for the State's implementation of the hazardous waste management program, as well as those procedural and enforcement authorities that are part of the State's approved program, but these are not incorporated by reference.

F. What State provisions are not part of the codification?

The public is reminded that some provisions of North Dakota's hazardous waste management program are not part of the federally authorized State program. These non-authorized provisions include:

(1) Provisions that are not part of the RCRA subtitle C program because they are ''broader in scope'' than RCRA subtitle C (see 40 CFR 271.1(i));

(2) Federal rules for which North Dakota is not authorized, but which have been incorporated into the State regulations because of the way the State adopted Federal regulations by reference;

(3) State procedural and enforcement authorities that are necessary to establish the ability of the State's program to enforce compliance, but which do not supplant the Federal statutory enforcement and procedural authorities.

State provisions that are ''broader in scope'' than the Federal program are not incorporated by reference in 40 CFR part 272. For reference and clarity, the EPA lists in 40 CFR 272.1751(c)(3) the North Dakota statutory provisions that are ''broader in scope'' than the Federal program, and which are not part of the authorized program being incorporated by reference. While ''broader in scope'' provisions are not part of the authorized program and cannot be enforced by the EPA, the State may enforce such provisions under State law.

North Dakota has adopted, but is not authorized for, the Federal rules published in the **Federal Register** on April 12, 1996 (61 FR 16290); October 22, 1998 (63 FR 56710), and January 8, 2010 (75 FR 1235). Therefore, these Federal amendments included in North Dakota's adoption by reference at section 33.1–24–06–16.5 of the North Dakota Administrative Code are not part of the State's authorized program and are not part of the incorporation by reference addressed by this **Federal Register** document.

G. What will be the effect of codification on Federal HSWA requirements?

With respect to any requirement(s) pursuant to HSWA for which the State has not yet been authorized, and which the EPA has identified as taking effect immediately in states with authorized hazardous waste management programs, the EPA will enforce those Federal

HSWA standards until the State is authorized for those provisions.

The codification does not affect Federal HSWA requirements for which the State is not authorized. The EPA has authority to implement HSWA requirements in all states, including states with authorized hazardous waste management programs, until the states become authorized for such requirements or prohibitions, unless the EPA has identified the HSWA requirement(s) as an optional or as a less stringent requirement of the Federal program. A HSWA requirement or prohibition, unless identified by the EPA as optional or as less stringent, supersedes any less stringent or inconsistent State provision which may have been previously authorized by the EPA (50 FR 28702, July 15, 1985).

Some existing State requirements may be similar to the HSWA requirements implemented by the EPA. However, until the EPA authorizes those State requirements, the EPA enforces the HSWA requirements and not the State analogs.

II. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as today's final authorization of North Dakota's revised hazardous waste program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA.

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this action, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule authorizes pre-existing State rules which are at least equivalent to, and no less stringent than existing Federal requirements, and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801–808, 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 document 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 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).

List of Subjects in 40 CFR Part 272

Environmental protection, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Intergovernmental relations, Water pollution control, Water supply.

Dated: December 4, 2019.

Gregory Sopkin,

Regional Administrator, EPA Region 8.

For the reasons set forth in the preamble, under the authority at 42 U.S.C. 6912(a), 6926, and 6974(b), the EPA is amending 40 CFR part 272 as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

■ 1. The authority citation for part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

■ 2. Revise § 272.1751 to read as follows:

§ 272.1751 North Dakota State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), North Dakota has final authorization for the following elements as submitted to the EPA in

North Dakota's base program application for final authorization which was approved by the EPA effective on October 19, 1984. Subsequent program revision applications were approved effective on August 24, 1990, July 6, 1992, June 6, 1994, March 20, 2000, November 25, 2005, April 14, 2008, and April 30, 2019.

(b) The State of North Dakota has primary responsibility for enforcing its hazardous waste management program. However, the EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations:

(1) The North Dakota statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the North Dakota provisions that are incorporated by reference in this paragraph from North Dakota Legislative Council, Second Floor, State Capitol, 600 E Boulevard Ave., Bismarck, North Dakota 58505, phone (701) 328–2916. You may inspect a copy at EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, phone number (303) 312–6231, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.*

(i) ''EPA-Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program,'' dated April 2019.

(ii) [Reserved]

(2) The EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) North Dakota Century Code (NDCC), Volume 13A, 2012 Replacement. North Dakota Constitution, Article XI: Sections 5 and 6.

(ii) NDCC, Volume 4A, 2017 Cumulative Supplement. Chapter 23.1–01 ''Department of Environmental Quality,'' Sections 23.1–01–04 and 23.1–01–11; Chapter 23.1–04 ''Hazardous Waste Management,'' Sections 23.1–04–01(1) through (4), 23.1–04–02 introductory paragraph, (2), (3) through (8), (12) through (15), and (17); 23.1–04–03; 23.1–04–05; 23.1–04–08(3), (4), and (6); 23.1–04–12 through 23.1–04–16; and Chapter 23.1–08 ''Solid Waste Management and Land Protection,'' Section 23.1–08–03.

(iii) NDCC, Volume 5, 2012 Replacement. Chapter 28–32 ''Administrative Agencies Practice Act,'' Sections 28–32–16 and 28–32–21.1.

(v) NDCC, Volume 6, 2012 Replacement. Chapter 32–40 ''Environmental Law Enforcement,'' Sections 32–40–03 through 32–40–11.

(vi) NDCC, Volume 9A, 2012 Replacement, as amended by the 2017 Pocket Supplement. Chapter 44–04 ''Duties, records and meetings,'' Sections 44–04–18 through 19.1.

(vii) North Dakota Administrative Code (NDAC), Article 33.1–24, Hazardous Waste Management, as amended effective January 1, 2019. Sections 33.1–24–01–15; 33.1–24–01–16; 33.1–24–06–05, except .2.c; 33.1–24–06–06.2; 33.1–24–06–09; 33.1–24–06–15.1.6 through .3.b; 33.1–24–07–03.4; 33.1–24–07–04 through 33.1–24–07–14; 33.1–24–07–25 through 33.1–24–07–27; and 33.1–24–07–40 through 33.1–24–07–54.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, are not incorporated by reference, and are not federally enforceable:

(i) NDCC, 2017 Cumulative Supplement, Volume 4A, Chapter 23.1–01 ''Department of Environmental Quality,'' Section 23.1–01–05.

(ii) North Dakota Century Code, Volume 4A, 2017 Cumulative Supplement. Chapter 23.1–04 ''Hazardous Waste Management,'' Sections 23.1–04–02(1); and 23.1–04–09 through 23.1–04–11.

(iii) North Dakota Administrative Code, Article 33.1–24, ''Hazardous Waste Management,'' as amended effective January 1, 2019, Sections 33.1–24–03–03.4; 33.1–24–04–02.3; 33.1–24–05–02 second sentence; 33.1–24–06–14.3.a(4); and 33.1–24–06–21.

(iv) North Dakota's hazardous waste regulations set forth additional transporter requirements including permit requirements at 33.1–24–04–02. The transporter permit requirements are broader in scope than the Federal program.

(4) Unauthorized State amendments and provisions:

(i) North Dakota has partially or fully adopted, but is not authorized to implement, the Federal rule published in the **Federal Register** on October 22, 1998, Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final Rule (HSWA/non-HSWA). The EPA will continue to implement the Federal HSWA requirements for which North Dakota is not authorized until the State receives specific authorization for those requirements.

(ii) The Federal rules listed in the following table are not delegable to states. North Dakota has adopted these provisions and left the authority to the EPA for implementation and enforcement.

(iii) North Dakota has adopted the following Federal provisions from the *Revisions to the Definition of Solid Waste Rule,* published January 13, 2015, which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit in *Am. Petroleum Inst.* v. *EPA,* 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst.* v. *EPA,* No. 09–1038 (D.C. Cir. Mar. 6, 2018) (vacating both the Factor 4 Legitimacy Test and the Verified Recycler Exclusion aspects of the 2015 DSW Rule): One criterion in the determination of whether recycling is legitimate at 40 CFR 260.43(a)(4); the verified recycler exclusion, which allowed generators to send their hazardous secondary materials to certain reclaimers at 40 CFR 261.4(1)(24); and the associated provisions at 40 CFR 260.30(d) and 260.31(d), which address the criteria in the variance determination for exceptions to the classification of hazardous secondary materials as a solid waste.

(5) Memorandum of Agreement: The Memorandum of Agreement between the EPA Region 8 and the State of North Dakota, signed by the EPA Region 8 Regional Administrator on December 5, 2018 and the Director of the North Dakota Department of Environmental Quality on December 4, 2018, although not incorporated by reference, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority: ''Attorney General's Statement: Hazardous Waste Management Program'' signed by the Attorney General of North Dakota on June 8, 1984, and revisions, supplements, and addenda to that Statement dated February 22, 1989, February 11, 1984, October 13, 1999, April 23, 2004,

August 19, 2004, December 5, 2016, and September 29, 2018, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) Program Description: The Program Description and any other materials submitted as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

■ 3. Appendix A to part 272 is amended by revising the listing for ''North Dakota'' to read as follows:

Appendix A to Part 272—State Requirements

* * * * *

North Dakota

(a) The statutory provisions include: North Dakota Century Code (NDCC), Volume 4A, 2017 Cumulative Supplement. Chapter 23.1–04 ''Hazardous Waste Management,'' Sections 23.1–04–08(1), (2), (5), and (7). Copies of the North Dakota statutes that are incorporated by reference are available from Matthew Bender & Company Inc., 701 E Water Street, Charlottesville, VA 22902–5389, phone number: (800) 833–9844.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Article 33.1–24, as revised January 1, 2019, except reserved provisions.

Chapter 33.1–24–01—General provisions: Sections 33.1–24–01–01 through 33.1–24–01–04, 33.1–24–01–05, except .2.k and .7.a; 33.1–24–01–06 through 33.1–24–01–09, 33.1–24–01–10, except .4.f; 33.1–24–01–11 through 33.1–24–01–14; 33.1–24–01–17 and 33.1–24–01–18; and 33.1–24–01–19, except .1.d.

Chapter 33.1–24–02—Identification and Listing of Hazardous Waste: Sections 33.1–24–02–01 through 33.1–24–02–03; 33.1–24–02–04, except .1.y; 33.1–24–02–05; 33.1–24–02–06, except .1.e; 33.1–24–02–07 through 33.1–24–02–10; 33.1–24–02–11, except the phrase ''or a miniflash continuously closed cup tester, using the test method specified in American Society for Testing and Material D6450–99 (incorporated by reference in section 33.1–24–01–05)'' in paragraph .1.a; 33.1–24–02–12 through 33.1–24–02–19; 33.1–24–02–25 through 33.1–24–02–27; 33.1–24–02–33 through 33.1–24–02–42; 33.1–24–02–50 through 33.1–24–02–70; 33.1–24–02–120 through 33.1–24–02–129; 33.1–24–02–170 through 33.1–24–02–175; 33.1–24–02–180 through 33.1–24–02–194; 33.1–24–02–200 through 33.1–24–02–209; and Appendices I, IV, and V.

Chapter 33.1–24–03—Standards for Generators: Sections 33.1–24–03–01, except .4; 33.1–24–03–02; 33.1–24–03–03.1 and .2; 33.1–24–03–03.3 except the phrase ''and a transporter permit''; 33.1–24–03–04 through 33.1–24–03–24; 33.1–24–03–30; 33.1–24–03–40; 33.1–24–03–60 through 33.1–24–03–77; and Appendix I.

Chapter 33.1–24–04—Standards for Transporters: Sections 33.1–24–04–01, except .4 and Note following paragraph .3.b; 33.1–24–04–02.1, except the phrase '', a transporter permit, and a registration certificate''; 33.1–24–04–02.2, except the phrases ''and a registration certificate, or a transporter permit,'' in the first sentence, and ''and issue a registration certificate'' in the second sentence; and 33.1–24–04–03 through 33.1–24–04–08.

Chapter 33.1–24–05—Standards for Treatment, Storage, and Disposal Facilities and for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities: Sections 33.1–24–05–01; 33.1–24–05–02, except the second sentence; 33.1–24–05–03, except 33.1–24–05–03.1; 33.1–24–05–04 through 33.1–24–05–10; 33.1–24–05–15 through 33.1–24–05–20; 33.1–24–05–26 through 33.1–24–05–31; 33.1–24–05–37; 33.1–24–05–38, except .1.c and .4; 33.1–24–05–39 through 33.1–24–05–44; 33.1–24–05–47 through 33.1–24–05–69; 33.1–24–05–74 through 33.1–24–05–81; 33.1–24–05–89 through 33.1–24–05–98; 33.1–24–05–103 through 33.1–24–05–115; 33.1–24–05–118 through 33.1–24–05–128; 33.1–24–05–130 through 33.1–24–05–138; 33.1–24–05–144 through 33.1–24–05–151; 33.1–24–05–160 through 33.1–24–05–170; 33.1–24–05–176 through 33.1–24–05–188; 33.1–24–05–201 through 33.1–24–05–204; 33.1–24–05–230, except .2.c; 33.1–24–05–235, except .1/Table entries (6) and (7); 33.1–24–05–250 through 33.1–24–05–253; 33.1–24–05–256; 33.1–24–05–258; 33.1–24–05–265; 33.1–24–05–266; 33.1–24–05–270 through 33.1–24–05–281; 33.1–24–05–282, except .2; 33.1–24–05–283; 33.1–24–05–284.8 through .13; 33.1–24–05–285; 33.1–24–05–286; 33.1–24–05–288 through 33.1–24–05–290; 33.1–24–05–300 through 33.1–24–05–303; 33.1–24–05–400 through 33.1–24–05–406; 33.1–24–05–420 through 33.1–24–05–435; 33.1–24–05–450 through 33.1–24–05–460; 33.1–24–05–475 through 33.1–24–05–477; 33.1–24–05–501 through 33.1–24–05–506; 33.1–24–05–525 through 33.1–24–05–537; 33.1–24–05–550 through 33.1–24–05–555; 33.1–24–05–600; 33.1–24–05–610 through 33.1–24–05–612; 33.1–24–05–620 through 33.1–24–05–624; 33.1–24–05–630 through 33.1–24–05–632; 33.1–24–05–640 through 33.1–24–05–647; 33.1–24–05–650 through 33.1–24–05–667; 33.1–24–05–670 through 33.1–24–05–675; 33.1–24–05–680; 33.1–24–05–681; 33.1–24–05–701 through 33.1–24–05–705; 33.1–24–05–708 through 33.1–24–05–720; 33.1–24–05–730 through 33.1–24–05–740; 33.1–24–05–750 through 33.1–24–05–756; 33.1–24–05–760 through 33.1–24–05–762; 33.1–24–05–770, except .4; 33.1–24–05–780; 33.1–24–05–781; 33.1–24–05–800 through 33.1–24–05–802; 33.1–24–05–820 through 33.1–24–05–826; 33.1–24–05–850; 33.1–24–05–855 through 33.1–24–05–857; 33.1–24–05–860; 33.1–24–05–865; 33.1–24–05–866; 33.1–24–05–870; 33.1–24–05–875; 33.1–24–05–880; 33.1–24–05–885; 33.1–24–05–890; 33.1–24–05–895 through 33.1–24–05–900; 33.1–24–05–905; 33.1–24–05–910; 33.1–24–05–915; 33.1–24–05–916; 33.1–24–05–950; 33.1–24–05–951; 33.1–24–05–960; 33.1–24–05–961; 33.1–24–05–963 through 33.1–24–05–968; 33.1–24–05–980 through 33.1–24–05–986; 33.1–24–05–990 through 33.1–24–05–998; 33.1–24–05–1010 through 33.1–24–05–1016; 33.1–24–05–1020; 33.1–24–05–1031; 33.1–24–05–1040 through 33.1–24–05–1043; 33.1–24–05–1045 through 33.1–24–05–1047; 33.1–24–05–1060 through 33.1–24–05–1063; 33.1–24–05–1067; 33.1–24–05–1068; 33.1–24–05–1071; 33.1–24–05–1080 through 33.1–24–05–1087; 33.1–24–05–1100 through 33.1–24–05–1114; 33.1–24–05–1130 through 33.1–24–05–1138; and Appendices I through VIII, X through XIII, XV through XXIV, and XXVI through XXIX.

Chapter 33.1–24–06—Permits: Sections 33.1–24–06–01; 33.1–24–06–02, 33.1–24–06–03, except Note following paragraph .1.a.(2); 33.1–24–06–04; 33.1–24–06–05.2.c; 33.1–24–06–06.1; 33–24–06–07; 33.1–24–06–08; 33.1–24–06–10 through 33.1–24–06–13; 33.1–24–06–14, except .3.a.(4); 33.1–24–06–15 introductory paragraph through .1.a; 33.1–24–06–16.5 through .7; 33.1–24–06–17 through 33.1–24–06–20; 33.1–24–06–30 through 33.1–24–06–35; 33.1–24–06–45; 33.1–24–06–48; 33.1–24–06–52; 33.1–24–06–56; 33.1–24–06–57; 33.1–24–06–62; 33.1–24–06–65; 33.1–24–06–70; 33.1–24–06–73; 33.1–24–06–76; 33.1–24–06–80; 33.1–24–06–85; 33.1–24–06–100; and Appendix I to Section 33.1–24–06–14.

Chapter 33.1–24–07—Permitting Procedures: Sections 33.1–24–07–01; 33.1–24–07–02; and 33.1–24–07–03, except .4.

Copies of the North Dakota regulations that are incorporated by reference are available from North Dakota Legislative Counsel, Second Floor, State Capitol, 600 E Boulevard, Bismarck, North Dakota 58505, phone number: (701) 328–2916.

* * * * *

[FR Doc. 2019–26553 Filed 12–11–19; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 84, No. 239
Thursday, December 12, 2019

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0908; Airspace Docket No. 19–ASW–14]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Shawnee, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Chandler Regional Airport, Chandler, OK, and Cushing Municipal Airport, Cushing, OK, which are contained within the Shawnee, OK, airspace legal description. The FAA is proposing this action as the result of the decommissioning of the Tilghman and Cushing non-directional beacons (NDB), which provided navigation information for the instrument procedures at these airports.

DATES: Comments must be received on or before January 27, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–0908/Airspace Docket No. 19–ASW–14 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Chandler Regional Airport, Chandler, OK, and Cushing Municipal Airport, Cushing, OK, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–0908/Airspace Docket No. 19–ASW–14.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Removing the city associated with Seminole Municipal Airport, Seminole, OK, contained within the Shawnee, OK, airspace legal description, from the airspace legal description to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters;

Amending the Class E airspace area extending upward from 700 feet above the surface at Chandler Regional Airport, Chandler, OK, by removing the Tilghman NDB and associated extension from the airspace legal description;

And amending the Class E airspace area extending upward from 700 feet above the surface at Cushing Municipal Airport, Cushing, OK, by removing the Cushing NDB and associated extension from the airspace legal description.

These actions are the result of airspace reviews caused by the decommissioning of the Tilghman and Cushing NDBs, which provided navigation information for the instrument procedures at these airports.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW OK E5 Shawnee, OK [Amended]

Shawnee Regional Airport, OK
(Lat. 35°21′26″ N, long. 96°56′34″ W)
Seminole Municipal Airport, OK
(Lat. 35°16′28″ N, long. 96°40′31″ W)
Prague Municipal Airport, OK
(Lat. 35°28′51″ N, long. 96°43′08″ W)
Chandler Regional Airport, OK
(Lat. 35°43′27″ N, long. 96°49′13″ W)
Cushing Municipal Airport, OK
(Lat. 35°57′00″ N, long. 96°46′24″ W)
Cushing Regional Hospital Heliport, OK,
Point In Space Coordinates
(Lat. 35°58′41″ N, long. 96°45′27″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shawnee Regional Airport, and within a 6.6-mile radius of Seminole Municipal Airport, and within a 6.3-mile radius of Prague Municipal Airport, and within a 6.4-mile radius of Chandler Regional Airport, and within a 6.5-mile radius of Cushing Municipal Airport, and that airspace within a 6-mile radius of the Point In Space serving Cushing Regional Hospital Heliport.

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

Steve Szukala,

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

[FR Doc. 2019–26607 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0893; Airspace Docket No. 18–ASW–13]

RIN 2120–AA66

Proposed Amendment of VOR Federal Airways V–18, V–54, V–114, and V–583 in the Vicinity of Quitman, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend four VHF Omnidirectional Range (VOR) Federal airways, V–18, V–54, V–114, and V–583, in the vicinity of Quitman, TX. The modifications are necessary due to the planned decommissioning of the VOR portion of the Quitman, TX, VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID), which provides navigation guidance for portions of the affected air traffic service (ATS) route. The Quitman VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before January 27, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2019–0893; Airspace Docket No. 18–ASW–13 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for

inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2019–0893; Airspace Docket No. 18–ASW–13) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2019–0893; Airspace Docket No. 18–ASW–13.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning decommissioning activities for the VOR portion of the Quitman, TX, VOR/DME in July, 2020. Quitman VOR is one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. Although the VOR portion of the Quitman, TX, VOR/DME NAVAID is planned for decommissioning, the DME portion is being retained. The ATS route dependencies to the Quitman VOR are VOR Federal airways V–18, V–54, V–114, and V–583.

With the planned decommissioning of the Quitman VOR, the proposed modifications to the dependent VOR Federal airways would result in gaps in the airways. To overcome the gaps, instrument flight rules (IFR) traffic could use adjacent VOR Federal airways, including V–15, V–16, V–94, V–124, V–278, V–289, and V–569, to circumnavigate the affected area. Additionally, IFR traffic could file point to point through the affected area using the existing airway fixes that will remain in place, or receive air traffic control (ATC) radar vectors through the area. Visual flight rules pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent VOR Federal airways or ATC services listed previously.

Additionally, this action would also correct the V–114 legal description published in FAA Order 7400.11D by changing the airway segment listed between the Wichita Falls, TX, VORTAC and the Blue Ridge, TX, VORTAC with an airway segment between the Wichita Falls, TX, VORTAC and the Bonham, TX, VORTAC. This change to the legal description matches an airway amendment made in 1996 by the FAA due to the Blue Ridge, TX, VORTAC being decommissioned and replaced by the newly commissioned Bonham, TX, VORTAC (61 FR 34722, July 3, 1996). Although V–114 was amended in 1996 as noted above, the legal description amendment was not published in FAA Order 7400.11 (formerly FAA Order 7400.9) at that time, in error. Subsequent to the V–114 airway amendment made in 1996, the FAA further amended the airway in 2015 to change the Baton Rouge, LA, VORTAC name to the Fighting Tiger, LA, VORTAC (80 FR 8239, February 17, 2015). In that amendment action, the FAA inadvertently republished the ''Wichita Falls, TX; INT Wichita Falls 117° and Blue Ridge, TX, 285° radials; Blue Ridge'' airway segment in the legal description. This action would correct the V–114 legal description to reflect the airway amendment made in 1996 and overlooked in 2015 by changing the airway segment currently listed as

''Wichita Falls, TX; INT Wichita Falls 117° and Blue Ridge, TX, 285° radials; Blue Ridge'' to read ''Wichita Falls, TX; Bonham, TX.''

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying VOR Federal airways V–18, V–54, V–114, and V–583. The planned decommissioning of the VOR portion of the Quitman, TX, VOR/DME NAVAID has made this action necessary. The proposed VOR Federal airway changes are outlined below.

V–18: V–18 currently extends between the Millsap, TX, VOR/Tactical Air Navigation (VORTAC) and the Charleston, SC, VORTAC. In a separate NPRM, the FAA proposed to remove the airway segment between the Vulcan, AL, VORTAC and the Colliers, SC, VORTAC (83 FR 67165, December 28, 2018). The FAA now proposes to remove the airway segment between the Cedar Creek, TX, VORTAC and the Belcher, LA, VORTAC. This would result in a gap in the airway between Cedar Creek, TX, and Belcher, LA, and then again between Vulcan, AL, and Colliers, SC. Therefore, the proposed amended V–18 would consist of three separate sections: The first, between the Millsap, TX, VORTAC and the Cedar Creek, TX, VORTAC; the second, after the gap, between the Belcher, LA, VORTAC and the Vulcan, AL, VORTAC; and the third, after the second gap, between the Colliers, SC, VORTAC and the Charleston, SC, VORTAC. The unaffected portions of the existing airway would remain as charted.

V–54: V–54 currently extends between the Waco, TX, VORTAC and the Kinston, NC, VORTAC. The FAA proposes to remove the airway segment between the Cedar Creek, TX, VORTAC and the Texarkana, AR, VORTAC. Therefore, the proposed amended V–54 would consist of two separate sections: The first, between the Waco, TX, VORTAC and the Cedar Creek, TX, VORTAC; and the second, after the gap, between the Texarkana, AR, VORTAC and the Kinston, NC, VORTAC. The unaffected portions of the existing airway would remain as charted.

V–114: V–114 currently extends between the Panhandle, TX, VORTAC and the Eaton, MS, VORTAC, excluding the portion within restricted areas R–3801B and R–3701C when active. The FAA proposes to remove the airway segment between the Bonham, TX, VORTAC and the Gregg County, TX, VORTAC. Therefore, the proposed amended V–114 would consist of two separate sections: The first, between the Panhandle, TX, VORTAC and the Bonham, TX, VORTAC; and the second, after the gap, between the Gregg County, TX, VORTAC and the Eaton, MS, VORTAC. The unaffected portions of the existing airway would remain as charted.

V–583: V–583 currently extends between the Centex, TX, VORTAC and the McAlester, OK, VORTAC. The FAA proposes to remove the airway segment between the Frankston, TX, VOR/DME and the Paris, TX, VOR/DME. Therefore, the proposed amended V–583 would consist of two separate sections: The first, between the Centex, TX, VORTAC and the Frankston, TX, VOR/DME; and the second, after the gap, between the Paris, TX, VOR/DME and the McAlester, OK, VORTAC. The unaffected portions of the existing airway would remain as charted.

All radials in the route descriptions below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11D dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019 and effective September 15, 2019, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–18 [Amended]

From Millsap, TX; Glen Rose, TX; to Cedar Creek, TX. From Belcher, LA; Monroe, LA; Magnolia, MS; Meridian, MS; Crimson, AL; Vulcan, AL; Talladega, AL; Atlanta, GA; Colliers, SC; to Charleston, SC.

* * * * *

V–54 [Amended]

From Waco, TX; to Cedar Creek, TX. From Texarkana, AR; INT Texarkana 052° and Little Rock, AR, 235° radials; Little Rock; Marvell, AR; Holly Springs, MS; Muscle Shoals, AL; Rocket, AL; Choo Choo, GA; Harris, GA; Spartanburg, SC; Charlotte, NC; Sandhills, NC; INT Sandhills 146° and Fayetteville, NC, 267° radials; Fayetteville; to Kinston, NC.

* * * * *

V–114 [Amended]

From Panhandle, TX; Childress, TX; Wichita Falls, TX; to Bonham, TX. From Gregg County, TX; Alexandria, LA; INT Fighting Tiger, LA, 307° and Lafayette, LA, 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline); Fighting Tiger; INT Fighting Tiger 112° and Reserve, LA, 323° radials; Reserve; INT Reserve 084° and Gulfport, MS, 247° radials; Gulfport; INT Gulfport 344° and Eaton, MS, 171° radials; to Eaton, excluding the portion within R–3801B and R–3701C when active.

* * * * *

V–583 [Amended]

From Centex, TX; INT Centex 061° and College Station, TX, 273° radials; College

Station; Leona, TX; to Frankston, TX. From Paris, TX; to McAlester, OK.

* * * * *

Issued in Washington, DC, on December 4, 2019.

Rodger A. Dean Jr.,

Manager, Rules and Regulations Group.

[FR Doc. 2019–26603 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0900; Airspace Docket No. 19–AWP–80]

RIN 2120–AA66

Proposed Establishment of Multiple Air Traffic Service (ATS) Routes; Hawaiian Islands

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish four United States Area Navigation (RNAV) ATS routes (T–340, T–342, T–344, and T–346) in the Hawaiian Islands. The proposed RNAV ATS routes will facilitate the movement of aircraft among the Hawaiian Islands and will promote operational efficiencies to current and proposed RNAV Standard Instrument Departures (SID) and RNAV Standard Terminal Arrival Routes (STAR), which will enhance the capacity for Hawaiian airports.

DATES: Comments must be received on or before January 27, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2019–0900; Airspace Docket No. 19–AWP–80 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to support the flow of air traffic within the National Airspace System.

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers (FAA Docket No. FAA–2019–0900; Airspace Docket No. 19–AWP–80) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2019–0900; Airspace Docket No. 19–AWP–80.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The T-routes proposed in this NPRM were originally requested by the General Aviation Council of Hawaii and later supported by other national and local aviation user groups. The FAA supported the creation of the routes primarily for the purposes of supporting our efforts to establish Operational Contingency Plans (OCP) [1] for the

[1] Operational Contingency Plans (OCP) and supporting procedures that provide continuity are

facility. A worst-case scenario where Honolulu Control Facility does not have surveillance and communications capability, the routes allow Oakland Center the ability to provide procedural separation services to users in Hawaii; primarily Medevac-type flights.

Additionally, the four routes will provide connectivity to RNAV SIDs and STARs in the Hawaiian Islands. The routes take advantage of NextGen RNAV capabilities providing an enhanced level of safety and system user benefits. These routes support OCP requirements, and to the extent possible, incorporated decisions made by a full work group made up of industry partners, air traffic control, flight standards, state aeronautics, and other user groups. These routes will be repeatable and easy to file and fly, providing seamless routes between island airports.

The proposed new T-routes would support the strategy to transition the National Airspace System (NAS) from a ground-based navigation and radar based system to a satellite-based performance based network system. The proposed T-routes will facilitate the movement of aircraft to, from, and through the Hawaiian Islands. Taking advantage of the capabilities of the advanced flight management systems in modern aircraft, T-routes would serve to reduce air traffic control sector complexity, increase NAS capacity, reduce pilot-to-air traffic controller communications, and allow aircraft to be cleared to their cruising altitude and flight planned route more expeditiously.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to establish United States four RNAV ATS routes T–340, T–342, T–344, and T–346 in the Hawaiian Islands. Full route descriptions are in ''The Proposed Amendment'' section of this notice.

The proposed new ATS routes are as follows:

T–340: T–340 would extend between the NORBY, HI, FIX to the HILO, HI, VORTAC (ITO). T–340 would provide for a route to the north of the island of Maui avoiding turbulence from strong trade winds. Additionally, T–340 would provide for an alternative weather avoidance route between Oahu and the Big Island.

T–342: T–342 would extend between the KUHIO, HI, WP to the KONA, HI, VORTAC (KOA). T–342 would provide for a route to the north of the island of Molokai and then turn south to KOA VORTAC. This route will provide for weather avoidance.

T–344: T–344 would extend between the NAPUA, HI, FIX to the KONA, HI, VORTAC (KOA). T–344 would provide a route along the south side of the Hawaiian Island chain. Additionally, this offshore route provides a more direct routing from the island of Kauai to the Big Island.

T–346: T–346 would extend between the LIHUA, HI, VORTAC (LIH) to the PAIKO, HI, WP. T–346 would provide a route from the island of Kauai to the Big Island and connect to T–340. Additionally, this route will support single engine aircraft needing to stay within gliding distance to the shoreline.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order 7400.11D dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The United States Area Navigation Routes listed in this document will be subsequently published in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6011—United States Area Navigation Routes

* * * * *

T–340 NORBY, HI to HILO, HI (ITO) [New]

NORBY, HI	FIX	(Lat. 21°09′18.74″ N, long. 157°31′21.71″ W)
HLENA, HI	WP	(Lat. 21°02′18.48″ N, long. 157°14′53.85″ W)
AARES, HI	WP	(Lat. 20°59′55.00″ N, long. 157°05′42.00″ W)
CHAIN, HI	FIX	(Lat. 20°58′22.78″ N, long. 156°55′32.74″ W)
WYLUA, HI	WP	(Lat. 21°05′42.50″ N, long. 156°31′38.18″ W)
BARBY, HI	FIX	(Lat. 20°51′39.55″ N, long. 155°58′47.44″ W)
LONOH, HI	WP	(Lat. 20°21′58.13″ N, long. 155°41′40.54″ W)
WAPIO, HI	FIX	(Lat. 20°11′16.63″ N, long. 155°35′33.58″ W)
VELLA, HI	FIX	(Lat. 20°07′14.35″ N, long. 155°20′53.98″ W)
MALOA, HI	WP	(Lat. 20°03′31.55″ N, long. 155°15′10.50″ W)
ARBOR, HI	FIX	(Lat. 19°58′51.61″ N, long. 155°07′59.70″ W)
Hilo, HI (ITO)	VORTAC	(Lat. 19°43′16.86″ N, long. 155°00′39.44″ W)

pre-planned actions to respond to events that affect the capability of facilities to provide operational ATC services. OCP provide guidance during contingency operations and establish continuity until normal services can be fully restored.

T–342 KUHIO, HI to KONA, HI [New]		
KUHIO, HI	WP	(Lat. 21°15′18.66″ N, long. 157°49′54.01″ W)
Koko Head, HI (CKH)	VORTAC	(Lat. 21°15′54.40″ N, long. 157°42′10.73″ W)
ALAEY, HI	WP	(Lat. 21°15′17.58″ N, long. 157°27′49.56″ W)
PLUMB, HI	FIX	(Lat. 21°12′42.30″ N, long. 156°36′05.35″ W)
WYLUA, HI	WP	(Lat. 21°05′42.50″ N, long. 156°31′38.18″ W)
Maui, HI (OGG)	VORTAC	(Lat. 20°54′23.30″ N, long. 156°25′15.42″ W)
MAKEN, HI	FIX	(Lat. 20°34′44.22″ N, long. 156°25′10.66″ W)
TAMMI, HI	FIX	(Lat. 20°05′33.56″ N, long. 156°02′00.51″ W)
KONA, HI (KOA)	VORTAC	(Lat. 19°43′02.06″ N, long. 156°02′41.71″ W)
T–344 NAPUA, HI to KONA, HI (KOA) [New]		
NAPUA, HI	FIX	(Lat. 21°44′10.93″ N, long. 159°14′38.56″ W)
KEOLA, HI	FIX	(Lat. 21°17′53.24″ N, long. 158°29′25.89″ W)
GECKO, HI	FIX	(Lat. 21°11′32.10″ N, long. 158°18′35.21″ W)
JULLE, HI	FIX	(Lat. 20°57′35.78″ N, long. 157°34′35.29″ W)
ZUKAH, HI	WP	(Lat. 20°15′21.03″ N, long. 156°15′26.08″ W)
Kona, HI (KOA)	VORTAC	(Lat. 19°43′02.06″ N, long. 156°02′41.71″ W)
T–346 LIHUE, HI to PAIKO, HI [New]		
Lihue, HI (LIH)	VORTAC	(Lat. 21°57′55.00″ N, long. 159°20′17.20″ W)
KOLEA, HI	WP	(Lat. 21°31′15.28″ N, long. 158°20′37.80″ W)
SHIGI, HI	FIX	(Lat. 21°18′15.11″ N, long. 158°10′17.41″ W)
KUHIO, HI	WP	(Lat. 21°15′18.66″ N, long. 157°49′54.01″ W)
NORBY, HI	FIX	(Lat. 21°09′18.74″ N, long. 157°31′21.71″ W)
MAKEN, HI	FIX	(Lat. 20°34′44.22″ N, long. 156°25′10.66″ W)
NOWRA, HI	WP	(Lat. 20°28′31.23″ N, long. 156°09′17.08″ W)
PAIKO, HI	WP	(Lat. 20°16′22.29″ N, long. 155°38′27.80″ W)

Issued in Washington, DC, on December 2, 2019.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2019–26604 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0808; Airspace Docket No. 19–ASW–12]

RIN 2120–AA66

Proposed Amendment of Class D Airspace and Amendment and Revocation of the Class E Airspace; Multiple Texas Towns

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace at Conroe-North Houston Regional Airport, Conroe, TX; Scholes International Airport at Galveston, Galveston, TX; and Sugar Land Regional Airport, Houston, TX; amend Class E surface airspace at Conroe-North Houston Regional Airport, Scholes International Airport at Galveston, and Sugar Land Regional Airport; revoke the Class E airspace designated as an extension to a Class E surface area at Draughon-Miller Central Texas Regional Airport, Temple, TX; amend the Class E airspace extending upward from 700 feet above the surface at Chambers County Airport, Anahuac, TX; Scholes International Airport at Galveston; Conroe-North Houston Regional Airport; Texas Gulf Coast Regional Airport, Angleton/Lake Jackson, TX; and Draughon-Miller Central Texas Regional Airport; and remove Class E airspace extending upward from 700 feet above the surface at Wood No. 2 Airport, Brookshire, TX, and Covey Trails Airport, Fulshear, TX, which are contained within the Houston, TX, airspace legal description. The FAA is proposing this action as the result of the decommissioning of the Hobby and Temple VHF omnidirectional range (VOR) navigation aids, which provided navigation information for the instrument procedures at these airports, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of Conroe-North Houston Regional Airport, Chambers County Airport, and Texas Gulf Coast Regional Airport, and the names of Conroe-North Houston Regional Airport, Scholes International Airport at Galveston, and Texas Gulf Coast Regional Airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before January 27, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–0808; Airspace Docket No. 19–ASW–12, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A,

Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D airspace at Conroe-North Houston Regional Airport, Conroe, TX; Scholes International Airport at Galveston, Galveston, TX; and Sugar Land Regional Airport, Houston, TX; amend Class E surface airspace at Conroe-North Houston Regional Airport, Scholes International Airport at Galveston, and Sugar Land Regional Airport; revoke the Class E airspace designated as an extension to a Class E surface area at Draughon-Miller Central Texas Regional Airport, Temple, TX; amend the Class E airspace extending upward from 700 feet above the surface at Chambers County Airport, Anahuac, TX; Scholes International Airport at Galveston; Conroe-North Houston Regional Airport; Texas Gulf Coast Regional Airport, Angleton/Lake Jackson, TX; and Draughon-Miller Central Texas Regional Airport; and remove Class E airspace extending upward from 700 feet above the surface at Wood No. 2 Airport, Brookshire, TX, and Covey Trails Airport, Fulshear, TX, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–0808/Airspace Docket No. 19–ASW–12.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace to within a 4.8-mile radius (increased from a 4.1-mile radius) of Conroe-North Houston Regional Airport, Conroe, TX; removing the Navasota VORTAC and Humble VORTAC and associated exclusion area from the airspace legal description; amending the exclusion area to ''. . . excluding that airspace from lat. 30°25′24″ N, long. 95°22′11″ W to lat. 30°23′32″ N, long. 95°22′51″ W to lat. 30°23′12″ N, long. 95°19′51″ W''; updating the name and geographic coordinates of Conroe-North Houston Regional Airport (previously Lone Star Executive Airport) to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class D airspace at Scholes International Airport at Galveston (previously Scholes INTL at Galveston), Galveston, TX, by updating the name of the airport to coincide with the FAA's aeronautical database; correcting the header of the airspace legal description from ''Galveston, Galveston, TX'' to ''Galveston, TX''; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class D airspace to within a 4.2-mile radius (decreased from a 5.8-mile radius) of Sugar Land Regional Airport, Houston, TX; correcting the header of the airspace legal description from ''Houston Sugar Land, TX'' to ''Houston, TX'' to coincide with the FAA's aeronautical database; removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2M, Procedures for Handling Airspace Matters; and removing ''(previously called Airport/Facility Directory)'' as it is no longer needed;

Amending the Class E surface airspace to within a 4.8-mile radius (increased from a 4.1-mile radius) of Conroe-North Houston Regional Airport, Conroe, TX; removing the Navasota VORTAC and Humble VORTAC and associated exclusion area from the airspace legal description; amending the exclusion area to ''. . . excluding that airspace from lat. 30°25′24″ N, long. 95°22′11″ W to lat. 30°23′32″ N, long. 95°22′51″ W to lat. 30°23′12″ N, long. 95°19′51″ W''; updating the name and geographic coordinates of Conroe-North Houston Regional Airport (previously Lone Star Executive Airport) to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E surface airspace at Scholes International Airport at Galveston (previously Scholes INTL at Galveston), Galveston, TX, by updating the name of the airport to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E surface airspace to within a 4.2-mile radius (decreased from a 5.8-mile radius) of Sugar Land Regional Airport, Houston, TX; correcting the header of the airspace legal description from ''Houston Sugar Land, TX'' to ''Houston, TX'' to coincide with the FAA's aeronautical database; removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2M,; and removing ''(previously

called Airport/Facility Directory)'' as it is no longer needed;

Amending the Class E surface airspace at Draughon-Miller Central Texas Regional Airport, Temple, TX, by removing the city associated with the airport in the airspace legal description to comply with FAA Order 7400.2M;

Removing the Class E airspace area designated as an extension to a Class E surface area at Draughon-Miller Central Texas Regional Airport, Temple, TX, as it is no longer needed;

Amending the Class E airspace area extending upward from 700 feet above the surface to within a 6.1-mile radius (decreased from a 6.3-mile radius) at Chambers County Airport, Anahuac, TX; removing the Anahuac RBN and associated extension from the airspace legal description; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Amending the Class E airspace area extending upward from 700 feet above the surface by removing the Chambers County Airport, Anahuac, TX, and associated exclusion area from the Houston, TX, airspace legal description as it is no longer needed; to within a 6.6-mile radius (decreased from a 7.6-mile radius) of Scholes International Airport at Galveston, Galveston, TX, which is contained within the Houston, TX, airspace legal description; removing the city associated with the Scholes International Airport from the airspace legal description to comply with FAA Order 7400.2M; removing Woods No. 2 Airport, Brookshire, TX, and Covey Trails Airport, Fulshear, TX, which are contained within the Houston, TX, airspace legal description from the Houston, TX airspace legal description, and revoking the associated Class E airspace area extending upward from 700 feet above the surface at these airports as the instrument procedures at these airports have been cancelled and the airspace is no longer required; to within a 7.3-mile radius (increased from a 6.6-mile radius) of Conroe-North Houston Regional Airport, Conroe, TX, which is contained within the Houston, TX, airspace legal description; and amending the airspace boundary from ''. . . thence from lat. 29°17′04″ N, long. 95°00′13″ W. . . .'' to ''. . . thence from lat. 29°16′48″ N, long. 94°59′06″ W. . .''; updating the names of Scholes International Airport at Galveston (previously Scholes International at Galveston) and Conroe-North Houston Regional Airport (previously Lone Star Executive Airport) to coincide with the FAA's aeronautical database; and updating the geographic coordinates of Conroe-North Houston Regional Airport to coincide with the FAA's aeronautical database;

Amending the Class E airspace area extending upward from 700 feet above the surface to within a 6.6-mile radius (decreased from a 6.7-mile radius) of Texas Gulf Coast Regional Airport, Angleton/Lake Jackson, TX; updating the header of the airspace legal description from ''Lake Jackson, TX'' to ''Angleton/Lake Jackson, TX'' to coincide with the FAA's aeronautical database; removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2M; and updating the name and geographic coordinates of the Texas Gulf Coast Regional Airport (previously Brazoria County Airport) to coincide with the FAA's aeronautical database;

And amending the Class E airspace area extending upward from 700 feet above the surface at Draughon-Miller Central Texas Regional Airport, Temple, TX, by removing the city associated with the airport to comply with FAA Order 7400.2M; updating the name of the Draughon-Miller Central Texas Regional: RWY 15–LOC (previously Draughon-Miller Central Texas Regional Localizer) to coincide with the FAA's aeronautical database; removing the Temple VOR and associated extension from the airspace legal description; removing the extension southwest of the airport as it is no longer needed; and amending the extension northwest of the airport to within 4 miles either side of the 343° (previously 336°) bearing of the Draughon-Miller Central Texas Regional: RWY 15–LOC extending from the 6.7-mile radius to 14.2 miles (previously 14.4 miles) northwest of the airport.

These actions are the result of airspace reviews caused by the decommissioning of the Hobby and Temple VORs, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D Conroe, TX [Amended]

Conroe-North Houston Regional Airport, TX
(Lat. 30°21′12″ N, long. 95°24′54″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.8-mile radius of Conroe-North Houston Regional Airport, excluding that airspace from lat. 30°25′24″ N, long.

95°22′11″ W to lat. 30°23′32″ N, long. 95°22′51″ W to lat. 30°23′12″ N, long. 95°19′51″ W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASW TX D Galveston, TX [Amended]

Scholes International Airport at Galveston, TX
(Lat. 29°15′55″ N, long. 94°51′38″ W)

That airspace extending upward from the surface up to but not including 2,500 feet MSL within a 4.1-mile radius of Scholes International Airport at Galveston. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASW TX D Houston, TX [Amended]

Sugar Land Regional Airport, TX
(Lat. 29°37′20″ N, long. 95°39′24″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Sugar Land Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASW TX E2 Conroe, TX [Amended]

Conroe-North Houston Regional Airport, TX
(Lat. 30°21′12″ N, long. 95°24′54″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.8-mile radius of Conroe-North Houston Regional Airport, excluding that airspace from lat. 30°25′24″ N, long. 95°22′11″ W to lat. 30°23′32″ N, long. 95°22′51″ W to lat. 30°23′12″ N, long. 95°19′51″ W. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASW TX E2 Galveston, TX [Amended]

Scholes International Airport at Galveston, TX
(Lat. 29°15′55″ N, long. 94°51′38″ W)

That airspace extending upward from the surface up to but not including 2,500 feet MSL within a 4.1-mile radius of Scholes International Airport at Galveston. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASW TX E2 Houston, TX [Amended]

Sugar Land Regional Airport, TX
(Lat. 29°37′20″ N, long. 95°39′24″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Sugar Land Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASW TX E2 Temple, TX [Amended]

Draughon-Miller Central Texas Regional Airport, TX
(Lat. 31°09′07″ N, long. 97°24′28″W)

Within a 4.2-mile radius of Draughon-Miller Central Texas Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ASW TX E4 Temple, TX [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Anahuac, TX [Amended]

Chambers County Airport, TX
(Lat. 29°46′11″ N, long. 94°39′49″ W)

That airspace extending upward from 700 feet above the surface within a 6.1-mile radius of Chambers County Airport.

* * * * *

ASW TX E5 Houston, TX [Amended]

Point of Origin
(Lat. 30°35′01″ N, long. 95°28′01″ W)
Scholes International Airport at Galveston, TX
(Lat. 29°15′55″ N, long. 94°51′38″ W)
Conroe-North Houston Regional Airport, TX
(Lat. 30°21′12″ N, long. 95°24′54″ W)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at the Point of Origin to lat. 29°45′00″ N, long. 94°44′01″ W; thence from lat. 29°45′00″ N, long. 94°44′01″ W to a point of tangency with the east arc of a 6.6-mile radius of Scholes International Airport at Galveston, and within a 6.6-mile radius of Scholes International Airport at Galveston; thence from lat. 29°16′48″ N, long. 94°59′06″ W; to lat. 29°30′01″ N, long. 95°54′01″ W; to lat. 30°26′01″ N, long. 95°42′01″ W; to the Point of Origin, and within a 7.3-mile radius of Conroe-North Houston Regional Airport.

* * * * *

ASW TX E5 Angleton/Lake Jackson, TX [Amended]

Texas Gulf Coast Regional Airport, TX
(Lat. 29°06′31″ N, long. 95°27′44″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Texas Gulf Coast Regional Airport.

* * * * *

ASW TX E5 Temple, TX [Amended]

Draughon-Miller Central Texas Regional Airport, TX
(Lat. 31°09′07″ N, long. 97°24′28″ W)
Draughon-Miller Central Texas Regional: RWY 15–LOC
(Lat. 31°08′20″ N, long. 97°24′16″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Draughon-Miller Central Texas Regional Airport, and within 4 miles either side of the 343° bearing of the Draughon-Miller Central Texas Regional: RWY 15–LOC extending from the 6.7-mile radius to 14.2 miles northwest of the airport.

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

Steve Szukala,

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

[FR Doc. 2019–26608 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2019–0178; FRL–10003–08–OAR]

RIN 2060–AU37

National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In this advance notice of proposed rulemaking (ANPRM), the U.S. Environmental Protection Agency (EPA) is soliciting information that will aid in potential future revisions to the Ethylene Oxide Emission Standards for Sterilization Facilities. The EPA is soliciting information and requesting comment on potential control measures for reducing ethylene oxide (EtO) emissions from commercial sterilization facilities. These control measures include controls for fugitive emissions of EtO, safety measures for the chamber exhaust vents (CEVs), process equipment improvements, and advances in add-on control technologies for point sources. In addition, the EPA is considering, and requesting comment on, how best to assess potential impacts on small businesses. The EPA is also

taking comment on the available EtO usage data for individual facilities and on additional data contained in the modeling file that will be used to evaluate the impact of emissions from commercial EtO sterilizers.

DATES: *Comments.* Comments must be received on or before February 10, 2020.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2019–0178, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2019–0178 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2019–0178.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2019–0178, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except federal holidays).

Instructions: All submissions received must include the Docket ID No. for this action. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Mr. Jonathan Witt, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–5645; email address: *witt.jon@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2019–0178. All documents in the docket are listed in *Regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, WJC West Building, 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 EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2019–0178. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov/,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov/* or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. 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, 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.*

The *https://www.regulations.gov/* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov/,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

The EPA is soliciting comment on numerous aspects of the action. The EPA has indexed each comment solicitation with an alpha-numeric identifier (*e.g.,* ''C–1,'' ''C–2,'' ''C–3'') to provide a consistent framework for effective and efficient provision of comments. Accordingly, the EPA asks that commenters include the corresponding identifier when providing comments relevant to that comment solicitation. The EPA asks that commenters include the identifier in either a heading, or within the text of each comment (*e.g.,* ''In response to solicitation of comment C–1, . . .'') to make clear which comment solicitation is being addressed. The EPA emphasizes that the Agency is not limiting comment to these identified areas and encourages provision of any other comments relevant to this action.

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, clearly indicate on the outside of the digital storage media that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina

27711, Attention Docket ID No. EPA–HQ–OAR–2019–0178.

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ANPRM advance notice of proposed rulemaking
APCD air pollution control device
ARV aeration room vent
CAA Clean Air Act
CBI Confidential Business Information
CEV chamber exhaust vent
CFR Code of Federal Regulations
EOSA Ethylene Oxide Sterilization Association
EPA Environmental Protection Agency
EtO ethylene oxide
GACT generally available control technology
HAP hazardous air pollutant(s)
IR infrared
IRIS Integrated Risk Information System
LEL lower explosive limit
MACT maximum achievable control technology
NAICS North American Industry Classification System
NATA National Air Toxics Assessment
NESHAP national emission standards for hazardous air pollutants
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
OSHA Occupational Safety and Health Administration
ppmv parts per million by volume
PRA Paperwork Reduction Act
PTE permanent total enclosure
SBA Small Business Administration
SBAR Small Business Advocacy Review
SCV sterilization chamber vent
tpy tons per year

Organization of this document. The information in this preamble is organized as follows:

I. General Information
A. What is the purpose of this ANPRM?
B. Does this action apply to me?
C. Where can I get a copy of this document and other related information?
II. Background
A. Statutory Background
B. Regulatory Background
C. Risks Associated With EtO Emissions
III. Small Business Considerations
IV. Request for Comment
A. Modeling File and Annual EtO Usage Data
B. Control of Fugitive Emissions
C. Chamber Exhaust Vent Control and Safety Considerations
D. Other Point Source Control Options
E. Types of Sterilization Facilities
V. Statutory and Executive Order Reviews

I. General Information

A. What is the purpose of this ANPRM?

This ANPRM is intended to solicit information from the public in order to inform the EPA as the Agency considers proposing a future rulemaking to further address emissions of EtO from commercial sterilizers. This ANPRM focuses on considerations pertinent to potential future amendments to 40 CFR part 63, subpart O, in order to further address emissions of EtO from commercial sterilizers. Subpart O contains the emissions control standards for hazardous air pollutants (HAP) that apply to commercial EtO sterilization facilities. In this ANRPM, the EPA identifies additional control technologies and measures that may be used to reduce emissions of EtO and provides an opportunity for stakeholders to provide additional information about these technologies and measures. In addition, the EPA is seeking information about the costs associated with controlling EtO emissions from all sources and, specifically, those that qualify as small businesses. The EPA is also taking comment on facility and emissions data as part of the modeling file that will be used to evaluate the impact of emissions from commercial EtO sterilizers.

B. Does this action apply to me?

The current standards in 40 CFR part 63, subpart O, regulate emissions of EtO from existing and new commercial sterilization operations using 907 kilograms per year (1 ton per year (tpy)) of EtO or more. The EtO Commercial Sterilization and Fumigation Operations source category covers the use of EtO as a sterilant and fumigant following the production of various products (*e.g.,* medical equipment and supplies) and in miscellaneous sterilization and fumigation operations at both major and area sources. These commercial sterilization facilities use EtO as a sterilant for heat- or moisture-sensitive materials and as a fumigant to control microorganisms or insects. Materials may be sterilized at the facility that produces or uses the product, or by contract sterilizers (*i.e.,* firms under contract to sterilize products manufactured by other companies). Table 1 of this preamble lists the entities that are regulated by the current subpart O rule.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS ACTION

Source category	NAICS code [1]
Surgical and Medical Instrument Manufacturing	339112
Surgical Appliance and Supplies Manufacturing	339113
Pharmaceutical Preparation Manufacturing	325412
Spice and Extract Manufacturing	311942
Dried and Dehydrated Food Manufacturing	311423
Packaging and Labeling Services	561910

[1] North American Industry Classification System.

The table is not meant to be exhaustive, but rather provides a guide for readers regarding the entities that are likely to be affected by future regulation for this source category. The EtO Commercial Sterilization and Fumigation Operations source category includes medical equipment suppliers; pharmaceutical suppliers; other health-related industries; spice manufacturers; and contract sterilizers (see 57 FR 31576, July 16, 1992). 40 CFR part 63, subpart O, also applies to large libraries and large museums and archives, but does not apply to hospitals, doctor offices, clinics, or other facilities whose primary purpose is to provide medical services to humans or animals; beehive fumigators; and research and laboratory facilities. In addition, review and comments are welcome from manufacturers of devices capable of measuring, monitoring, reducing, abating, or destroying EtO, particularly if such devices are or will soon be available in the commercial marketplace.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this ANPRM is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this ANPRM at the following address: *https://www.epa.gov/stationary-sources-air-pollution/ethylene-oxide-emissions-standards-sterilization-facilities.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the ANPRM and key technical documents at this same website.

II. Background

A. Statutory Background

Section 112 of the Clean Air Act (CAA) establishes the regulatory process used to develop standards for emissions of HAP from stationary sources. In the first stage of this process, the EPA

promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for major source standards and area source standards. ''Major sources'' are those that emit or have the potential to emit 10 tpy or more of a single HAP or 25 tpy or more of any combination of HAP. All other sources are ''area sources.'' For major sources, CAA section 112(d)(2) provides that the technology-based national emission standards for hazardous air pollutants (NESHAP) must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards that reflect the maximum degree of emission reductions of HAP are commonly referred to as maximum achievable control technology (MACT) standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT ''floor.''

The EPA must also consider control options that are more stringent than the floor. Standards more stringent than the floor are commonly referred to as beyond-the-floor standards. The EPA may establish standards more stringent than the floor based on considerations of the cost of achieving the emission reductions, any non-air quality health and environmental impacts, and energy requirements. In certain instances, as provided in CAA section 112(h), the EPA may set work practice standards where it is not feasible to prescribe or enforce a numerical emission standard. For area sources, CAA section 112(d)(5) gives the EPA discretion to set standards based on generally available control technologies or management practices (GACT standards) in lieu of MACT standards.

In the second stage, the EPA evaluates MACT standards to determine whether additional standards are needed to address any remaining risk associated with HAP emissions. This second stage is commonly referred to as the ''residual risk review.'' In addition to the residual risk review required by CAA section 112(f)(2), CAA section 112(d)(6) requires the EPA to review standards set under CAA section 112 every 8 years. This review is commonly referred to as the ''technology review'' and the EPA often conducts the residual risk review simultaneously with the first required technology review in what is commonly referred to as a ''risk and technology review.'' The methodology used by the agency to conduct risk and technology reviews is explained in the document titled *CAA Section 112 Risk and Technology Reviews: Statutory Authority and Methodology,* in the docket for this ANPRM.

In the CAA section (d)(6) technology reviews, the EPA is to review standards set under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years. CAA section 112(d)(6). In conducting these reviews, the EPA is not required to recalculate the MACT floor. *Natural Resources Defense Council (NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008); *Association of Battery Recyclers, Inc.* v. *EPA,* 716 F.3d 667, 673 (D.C. Cir. 2013).

B. Regulatory Background

On July 16, 1992 (57 FR 31576), the EPA published a list of major and area sources for which NESHAP were to be promulgated (*i.e.,* the source category list). Ethylene oxide commercial sterilization and fumigation operations were listed as a category of major sources and area sources.

On December 6, 1994 (59 FR 62585), the EPA promulgated MACT and GACT standards for the EtO Emission Standards for Sterilization Facilities source category. In that final rule, the EPA set MACT for major sources under CAA section 112(d)(2). For area sources, the EPA established GACT standards pursuant to CAA section 112(d)(5). This rulemaking addressed EtO emissions originating from three major types of emission points: The sterilization chamber vent (SCV), the aeration room vent (ARV), and the CEV. The SCV evacuates EtO from the sterilization chamber following sterilization, fumigation, and any subsequent gas washes. The ARV evacuates EtO-laden air from the aeration room, which is used to facilitate off-gassing. The CEV evacuates EtO-laden air from the sterilization chamber after the chamber door is opened for product unloading following the completion of sterilization and associated gas washes. Another source of emissions within this source category are fugitive emissions, but the EPA has not set standards for those emissions.

Following promulgation of the rule, the EPA suspended certain compliance deadlines and ultimately removed the MACT and GACT standards for CEVs due to safety concerns. In the late 1990s, there were multiple explosions at commercial EtO sterilization facilities. In response, the EPA suspended all rule compliance dates pending the investigation of the explosions (62 FR 64736, December 9, 1997). In 1998, the suspension of the compliance dates was extended for the ARVs and the CEVs (63 FR 66990, December 4, 1998), although the requirements for the SCVs went into effect in 1998. It was also later determined that EtO emissions from aeration rooms could be safely controlled, and the suspensions for the ARVs were not further extended past December 2000 (64 FR 67789, December 3, 1999). For CEVs, it was determined that the primary contributing issue leading to the explosions was that EtO concentrations were above the safe limit (*i.e.,* above the lower explosive limit (LEL)), within the CEV gas streams, and the EPA extended the suspension of the rule requirements for CEVs. The EPA could not conclude at the time that the CEVs could be safely controlled, so MACT and GACT requirements for CEVs were removed in 2001 (66 FR 55577, November 2, 2001) and have not been re-instated. The EPA is soliciting comment on the impacts associated with potentially reinstating requirements for CEVs in a future rulemaking.

In addition, the EPA conducted a residual risk analysis and a technology review under CAA section 112(f)(2) and CAA section 112(d)(6), respectively, and issued a final decision on the risk and technology review (71 FR 17712, April 7, 2006). No changes were made to the requirements as part of that action.

The HAP standards that currently apply to sterilization facilities covered by 40 CFR part 63, subpart O are shown in the following table:

TABLE 2—CURRENT ETO STANDARDS FOR COMMERCIAL STERILIZERS

Existing and new sources subcategory [1]	Sterilization chamber vent (SCV)	Aeration room vent (ARV)	Chamber exhaust vent (CEV) [2]
Sources using 10 ton or more of EtO in any consecutive 12-month period.	99 percent (see 40 CFR 63.362(c)).	1 ppm maximum outlet concentration or 99-percent emission reduction (see 40 CFR 63.362(d)).	No control.

TABLE 2—CURRENT ETO STANDARDS FOR COMMERCIAL STERILIZERS—Continued

Existing and new sources subcategory [1]	Sterilization chamber vent (SCV)	Aeration room vent (ARV)	Chamber exhaust vent (CEV) [2]
Sources using 1 ton or more of EtO but less than 10 ton of EtO in any consecutive 12-month period.	99 percent (see 40 CFR 63.362(c)).	No control	No control.
Sources using less than 1 ton of EtO in any consecutive 12-month period.	Recordkeeping (minimal recordkeeping requirements apply (see 40 CFR 63.367(c)).).	Recordkeeping (minimal recordkeeping requirements apply (see 40 CFR 63.367(c)).).	Recordkeeping (minimal recordkeeping requirements apply (see 40 CFR 63.367(c)).).

[1] Determined as a rolling 12-month emission rate.
[2] The CEV emission source was included in the original standard but was later eliminated from 40 CFR part 63, subpart O, in 2001.

The NESHAP applies to both major and area sources that use at least 1 ton of EtO in sterilization or fumigation operations in each 12-month period.

C. Risks Associated With EtO Emissions

The National Air Toxics Assessment (NATA) released in August 2018 identified EtO emissions as a potential concern in several areas across the country. (NATA is the Agency's nationwide air toxics screening tool, designed to help the EPA and state, local, and tribal air agencies identify areas, pollutants, or types of sources for further examination.) The latest NATA estimates that EtO significantly contributes to potential elevated cancer risks in some census tracts across the U.S. (less than 1 percent of the total number of tracts). These elevated risks are largely driven by an EPA risk value that was updated in December 2016.[1] The EPA conducted a previous assessment of the health effects of EtO exposure in 1985. Subsequently, EtO was designated a HAP under the 1990 CAA amid increasing concerns regarding the adverse effects of EtO exposure due to newly published human and animal studies of this chemical. Consequently, the EPA's Office of Air and Radiation expressed an interest in having the Integrated Risk Information System (IRIS) Program update the EPA's 1985 EtO assessment. In response, the IRIS Program began work on the current EtO assessment in the early 2000s and, following two external peer reviews, completed this work in December 2016.

Further investigation on NATA inputs and results led to the EPA identifying commercial sterilization using EtO as a source category contributing to some of these risks, which has led the EPA to evaluate, in greater depth, the potential health risks associated with emissions of EtO. Over the past year, the EPA has been gathering additional information to help evaluate opportunities to reduce EtO emissions through potential rule revisions and more immediate emission reduction steps. Considering these results, the EPA is seeking comment in this ANPRM on a number of potential control strategies for facilities in the EtO Emission Standards for Sterilization Facilities source category that would seek to reduce the fugitive emissions of EtO and to improve point source emission controls for commercial sterilizers.

III. Small Business Considerations

When the EPA undertakes a proposed rulemaking, it should identify any small entities within the source category and determine whether there is the potential for significant economic impacts to small businesses or other entities from any regulatory actions being considered. An entity is determined to be small based on the ultimate parent company's NAICS code and as defined by the U.S. Small Business Administration (SBA) (*https://www.sba.gov/document/support--table-size-standards*).[2] A parent company's size is defined in terms of annual revenue or number of employees; Table 3 of this preamble lists the size standards for parent companies of entities regulated by the current 40 CFR part 63, subpart O rule.

TABLE 3—SBA SIZE STANDARDS BY NAICS CODE

NAICS code	Source category	Size standards (annual revenue—millions)	Size standards (number of employees)
339112	Surgical and Medical Instrument Manufacturing		1,000
339113	Surgical Appliance and Supplies Manufacturing		750
325412	Pharmaceutical Preparation Manufacturing		1,250
311942	Spice and Extract Manufacturing		500
311423	Dried and Dehydrated Food Manufacturing		750
561910	Packaging and Labeling Services	$12	

To date, of the 108 facilities that the EPA has identified within the EtO Emission Standards for Sterilization Facilities source category, we have identified approximately 35 facilities owned by small businesses. At the parent company level, there are 59 total parent companies, 27 of which are small parent companies.

Identifying potential impacts on specific entities is challenging because of the lack of detailed facility data for this source category. Among other things, the EPA is seeking information about the costs associated with controlling EtO emissions from sources that qualify as small businesses. The EPA will use information received in response to this ANPRM to further assess the potential impacts of emission reduction strategies that may be considered. Given the potential impacts of certain emission reduction strategies

[1] *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide,* December 2016, EPA/635/R–16/350Fc.

[2] SBA determines whether an entity qualifies as a small business concern by counting its receipts, employees, or other measures including those of all its domestic and foreign affiliates, regardless of whether the affiliates are organized for profit (13 CFR 121.103(a)(6)).

on these small businesses, the EPA intends to convene a Small Business Advocacy Review (SBAR) Panel before taking any significant regulatory action. The EPA is in the process of requesting nominations for small entity representatives to serve as part of a possible SBAR Panel.

IV. Request for Comment

The EPA is requesting comment (1) on available control technologies for reducing emissions of EtO and (2) on developments in practices, measurement, monitoring, processes, and control technologies for the control of EtO from commercial sterilization facilities. The EPA has been investigating these issues through discussions with stakeholders, reviews of operating permits, and research. As part of the information gathering to date, the EPA has consulted with the EtO sterilization industry, including companies, trade associations, and control technology vendors, to better understand the current state of controls for EtO emission sources. The EPA held teleconferences and meetings with 12 different EtO trade associations, air pollution control device (APCD) manufacturers, industry representatives, and other government agencies to better understand sterilization processes, emissions (including measurement and monitoring), current control techniques, and how widely such techniques are used, as well as how control efficiencies are determined and guaranteed by manufacturers. The discussions have focused on common operational practices, including practices used by EtO commercial sterilization facilities to determine EtO concentration at various emissions points in the process. Despite this outreach and information gathering, there are still several important information gaps that would be useful to fill prior to any future rulemaking activity.

Through information gathering and discussions with stakeholders, the EPA identified the process controls and operational practices discussed below for consideration as possible methods for reducing the amount of EtO released into the ambient air. Under section 114(a) of the CAA, the EPA may require sources to report data in a manner prescribed by the Agency. For the EtO Commercial Sterilization and Fumigation Operations source category, the EPA intends to undertake a CAA section 114 information collection to provide information to support any future rulemaking actions, such as the upcoming technology review.

A. Modeling File and Annual EtO Usage Data

In order to ensure the accuracy of the data that could be used for any future rulemaking for this source category, the EPA is soliciting comment on available EtO usage data for individual facilities and on additional data contained in the modeling file that the EPA intends to use to evaluate the impacts of EtO emissions (Comment C–1). For the modeling file, the EPA requests that companies review the data for their facilities to ensure that the information presented is accurate and complete, including current facility and process information, emissions data,[3] and release parameters. The EPA further requests that after reviewing the modeling file for this purpose, companies submit to the EPA any corrected and supplemental information as part of their comments. The modeling file is available at the following website: *https://www.epa.gov/stationary-sources-air-pollution/ethylene-oxide-emissions-standards-sterilization-facilities.* The current known EtO usage data is available in the docket.

B. Control of Fugitive Emissions

Fugitive EtO emissions at commercial sterilization facilities generally occur from (1) off-gassing associated with the handling of EtO prior to charging the sterilizer chamber; (2) off-gassing of sterilized product following product transfer from the sterilizer chamber to the aeration room; (3) off-gassing from uncontrolled and under-controlled aeration rooms; and (4) any off-gassing that may occur after product is removed from the aeration room. For the purpose of this rule, fugitive emissions are those emissions which are not routed to an existing pollution control device. The magnitude of the fugitive emissions from the industry is not well characterized, and the extent of the fugitive emissions may be dependent on building design, the building air handling system, and the capacity of the existing air pollution control system. A recent analysis of ambient air monitoring data performed in close proximity to a commercial sterilizer in Illinois [4] indicated that the previous EtO emission estimates for this facility may have been underestimated. Specifically, this analysis indicated that the fugitive component of the emissions accounted for approximately 0.5 percent of the total EtO usage at that facility, which was significantly higher than previously assumed.

The EPA is requesting comment on the use of an emission factor of 0.5 percent of EtO usage for the calculation of fugitive emissions from this source category (Comment C–2a). In addition, the EPA is requesting comment on any data that can be used to help quantify facility-wide and area/room-specific fugitive emissions from commercial EtO sterilizers (*e.g.,* internal and ambient air monitoring data), along with relevant monitoring characteristics such as monitoring collection equipment and techniques, averaging time, equipment detection limits, equipment quality assurance, and quality control procedures employed (Comment C–2b). If commenters believe that alternative fugitive EtO calculation procedures or emission factors should be considered, the EPA requests that commenters provide documentation that supports the basis or bases for why an alternative methods or factors should be considered (Comment C–2c).

1. Permanent Total Enclosure

Permanent total enclosures (PTEs) are permanently installed structures that completely surround source(s) of emissions such that all volatile organic compound emissions (*i.e.,* EtO emissions) are captured and contained for discharge to a control device(s). Specifically, PTEs could capture emissions from sterilizer chamber rooms, aeration rooms, EtO drum storage areas, shipping areas, or any facility areas through which sterilized product is moved or EtO equipment is in service. The EPA's current understanding is that the existing building, or portions of the building, in which EtO could be released could serve as the enclosure, for example, by enclosing and adapting the building or portions of the building to meet the design criteria of a PTE. EPA Method 204 (40 CFR part 51, appendix M) provides the design criteria as well as procedures for verifying the capture efficiency of the enclosure.[5] Additionally, EPA Method 204 includes requirements to route the captured and contained EtO-laden gas for delivery to an APCD. Based on recent regulations enacted in Illinois,[6] as well as increasing public awareness, multiple EtO commercial sterilization facilities have either implemented or are

[3] Primarily derived from the EPA's 2014 National Emissions Inventory, version 2.

[4] *https://www.epa.gov/il/outdoor-air-monitoring-willowbrook-community.*

[5] 40 CFR part 51, appendix M, EPA Method 204—Criteria and Verification of a Permanent or Temporary Total Enclosure. U.S. EPA.

[6] *http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=101-0022* and *http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=101-0023.*

planning to implement PTEs to capture and control fugitive emissions from the sterilization processes.

The EPA is requesting facility-specific data items that can be used more accurately to assess the cost and emission capture/reduction of PTEs (Comment C–3). In addition, the EPA welcomes detailed facility-specific data and information regarding building and chamber design, including details on the square feet and height of the rooms where EtO is used, their temperature set point (during summer, winter, and intermediate seasons), relative humidity, air flow, number of air changes per hour, area of natural draft openings as defined in EPA Method 204, the typical EtO concentration in parts per million by volume (ppmv) within these rooms, and quantification of emissions reductions obtained via PTE, along with a description of the measurement device(s), measurement device detection limits and interferences, and measurement device quality assurance and quality control procedures and costs, the time required to implement PTE, the number of facilities currently implementing PTE or planning to do so, and the extent to which aspects of PTE might differ for small business facilities (also Comment C–3).

2. Pollution Prevention and Other Operational Practices

Some facilities follow other operational practices to reduce fugitive emissions. These operational practices include leak detection and repair programs that encompass monitoring for fugitive leaks from drums, valves, and connection lines containing EtO; controlling air flow in the building to capture fugitive emissions (*e.g.,* sweep vents) in areas where EtO is processed and sending these emissions to existing controls; putting process controls in place to minimize storage of fumigated material in uncontrolled areas; reducing emissions from EtO-laden waste water; and reducing levels of EtO injected into the sterilization chamber.

Fugitive emissions may occur from EtO drum storage and handling. The EPA understands that personnel at commercial sterilizer facilities inspect the valves on EtO drums for leaks when delivered to their facilities and that the connectors are also checked for leaks after they are attached to a sterilizer chamber.[7] EtO drums contain approximately 400 pounds of compressed EtO liquid along with a blanket of nitrogen. The pressurized drums are commonly equipped with two valves: One for the nitrogen blanket, and the other for unloading the EtO liquid. Leak checks similar to what is required by EPA Method 21 (40 CFR part 60, appendix A) are conducted on these valves and connectors. Additionally, the drum storage room area may be enclosed and vented to either an APCD or to the atmosphere. The EPA requests comment on these and additional operational practices for monitoring leaks from EtO drums, including appropriate procedures and/or methods to use and the optimal frequency of monitoring; the emission reductions likely to be achieved by specific practices; the costs associated with specific practices; the time required to implement a leak check program for EtO drums; the number of facilities currently implementing these leak checks or plan to do so; and the extent to which aspects of these leak checks might differ for small business facilities (Comment C–4).

EtO supply lines are used to connect the EtO drum to the sterilizer chamber. Prior to its use for charging EtO, the EtO line connection is often pressurized with nitrogen from the storage drum to the sterilizer chamber, to confirm that there are no leaks. The line connection is held at that pressure for a set time period, and if the line connection is able to maintain the pressure level, it is considered leak free. The EPA is seeking comment on the available operational practices for conducting regular pressure testing on the connection line between the EtO drum and sterilizer chamber. The EPA solicits comment on the feasibility of conducting the tests, the methods to be used or considered for use, the optimal frequency of such tests or methods, emission reductions likely to be achieved by specific practices, and the costs associated with specific practices, the time required to implement a leak check program for EtO supply lines, the number of facilities currently implementing these leak checks or plan to do so, and the extent to which aspects of these leak checks might differ for small business facilities (Comment C–5).

Sweep vents or floor vents are used to move and capture room air from the main room areas as operators move sterilized product from area to area at the facility. Sweep vents often maintain the sterilizer chamber room area and the aeration room area under negative pressure. Some facilities route the room air captured in sweep vents to an APCD, and other facilities vent the captured room air to the atmosphere. The floor sweeps serve to reduce the EtO in work areas to minimize occupational exposure to EtO. Facilities often measure the EtO concentration in the sterilizer chamber room area and aeration room area using a gas chromatography or infrared instrument. The EPA solicits comment on circumstances in which it would not be feasible to connect sweep vents to an APCD (including specific facility designs that may affect such feasibility); the level of capture likely be achieved for EtO fugitive emissions by specific practices; the costs associated with specific practices; the time required to implement sweep vents or floor vents; the number of facilities currently implementing sweep vents or floor vents; and the extent to which aspects of sweep vents or floor vents might differ for small business facilities (Comment C–6).

The EPA is aware that emissions may occur from water that comes into contact with EtO during the sterilization process. Potential emissions may come from, but are not limited to, disposal of water used in once-through liquid-ring vacuum pumps, as well as water used in recovering EtO for re-use in sterilization. The EPA solicits comment on the circumstances in which EtO may come into contact with water within commercial sterilization facilities; the frequency with which such water is or should be disposed; methods of disposal; any operational practices that are or may be used to mitigate emissions from waste water; the feasibility of implementing such operational practices; and costs associated with disposal and with specific operational practices, the time required to implement wastewater EtO emissions reductions; the number of facilities currently implementing wastewater EtO emissions reductions; and the extent to which aspects of wastewater EtO emissions reductions might differ for small business facilities (Comment C–7).

The EPA is also interested in obtaining information on other operational practices, not discussed in the preceding paragraphs, that may be available to reduce EtO emissions from commercial sterilization facilities. The EPA solicits comment on the availability, applicability, and technical feasibility of such operational practices; the emission reductions likely to be achieved by such measures; the cost of such measures; the time required to implement such measures; the number of facilities currently implementing such measures; and the extent to which aspects of such measures might differ for small business facilities (Comment C–8).

[7] National Fire Prevention Association 55 Chapter 14.

C. Chamber Exhaust Vent Control and Safety Considerations

1. Reinstating the Chamber Exhaust Vent Control Requirement

The CEV evacuates EtO-laden air from the sterilization chamber prior to unloading and while the chamber is being unloaded (and reloaded). The chamber exhaust enables facilities to meet U.S. Occupational Safety and Health Administration (OSHA) workplace exposure standards.[8] Following the removal of the CEV regulatory requirement in 2001 (66 FR 55577, November 2, 2001), many EtO sterilization facilities ceased, or never implemented, controls for EtO emissions from the CEV. In more recent years, however, facilities have begun to control EtO from the CEV, and multiple facilities currently control the CEV. The safety issues that prevented earlier control techniques from being applied were linked to EtO concentrations in the sterilizer chamber that exceeded the LEL for EtO. Since the late 1990s and early 2000s, facilities have revised their operating procedures related to the CEV.

Currently, some facilities that control EtO emissions from the CEV have made process changes to avoid exceedance of the LEL; such process changes include (1) reducing the EtO concentration in the sterilizer chamber before opening the sterilizer chamber door and venting emissions to an APCD, and (2) using an automated lock on the sterilizer chamber door that does not allow the door to open until EtO concentration is significantly less than the LEL. As part of the process change, facilities have enacted additional final air washes in the sterilization cycle to further reduce the EtO concentration in the sterilizer chamber prior to opening the sterilizer door and venting to the APCD. In addition, the automated lock on the sterilizer chamber door does not allow the door to open until a non-explosive EtO concentration level is achieved in the chamber. The MACT floor for CEVs at existing and new sources, for sources using 10 tpy or more of EtO, is routing emissions from the CEV such that they are combined with a stream that is already being routed to a control device that achieves 99-percent emission reduction.[9] Typical APCDs used to control EtO emissions from CEVs include the following: Catalytic oxidizers, dry bed scrubbers, wet acid scrubbers, combination wet acid scrubbers and dry bed scrubbers, and balancer/abator systems. The EPA solicits comment on implications of potentially reinstating the requirement to control the CEV and is soliciting information regarding the feasibility, emission reductions achieved, cost, the time required to reinstate the requirements; the number of facilities currently reducing their CEV emissions; the extent to which aspects of CEV emissions reductions might differ for small business facilities, and associated safety considerations (Comment C–9).

2. Implementing an In-Chamber Concentration Limit

To further reduce EtO emissions from the SCV, some facilities set an upper in-chamber concentration limit on the EtO in the sterilization chamber prior to opening the chamber door and engaging the CEV. Increased air washes to remove EtO from the sterilizer chamber have been implemented over time to accommodate control of the CEV. To safely control the CEV, the concentration must be significantly below the LEL of EtO. The reduction of the in-chamber concentration at the end of the sterilization cycle is directly linked to venting of the CEV to an APCD and has enabled control of the CEV. A 2007 report from the National Institute for Occupational Safety and Health determined that additional air washes were essential for mitigating any safety issues.[10] A report by the Chemical Safety and Hazard Investigation Board on an explosion that occurred at a commercial EtO sterilization facility in 2004 arrived at the same conclusion.[11]

While an in-chamber, EtO concentration monitoring technique was not available when the original NESHAP was promulgated in 1994, in-chamber monitors are available today. Monitors based on the photoacoustic principle are available and currently in use at sterilization facilities. These monitors are used to measure the in-chamber concentration of EtO to confirm that the chamber concentration is well below the LEL of EtO. The LEL of EtO is 3.0 percent by volume, or 30,000 ppmv.[12] To ensure safe conditions when opening the sterilizer chamber at the end of the sterilization cycle and to ensure limited fugitive emissions released from the open sterilizer chamber door, facilities reduce the EtO concentration to significantly less than the LEL, often to ranges of 10 to 25 percent of the LEL (*i.e.,* 3,000 to 7,500 ppmv). (LESNI 2019)[13]

The reduction of the in-chamber concentration is achieved through additional air washes in the sterilizer chamber. The number of additional air washes required to reach a concentration below the LEL is dependent on the parameters in the individual validated sterilization cycle. Some cycles that operate under shallow vacuum conditions, or need higher EtO concentration levels to reach sterility, may require additional air washes to lower the in-chamber concentration to this level.

The addition of air washes may increase the costs to operate the sterilizer chamber vacuum pump, as well as the costs to operate the APCD used to control emissions from the SCV. In addition, the overall facility sterilization capacity may be reduced due to the increased length of time required to complete the sterilization cycle. The EPA solicits comment on (1) the feasibility of using additional air washes in the sterilization chamber to further decrease in-chamber EtO concentration; (2) the emission reductions likely to be achieved by additional air washes; (3) associated costs; (4) the EtO concentration that should be typically reached before allowing activation of the CEV; (5) the time required to implement an EtO concentration reduction program; (6) the number of facilities currently reducing EtO concentration before activating the CEV; and (7) the extent to which EtO concentration reduction efforts might differ for small business facilities (Comment C–10).

3. Interlock System Tied to In-Chamber Concentration Limit

To further reduce fugitive emissions of EtO from leaving the sterilizer chamber and risking the immediate health and safety of facility operators, most facilities have installed door interlock systems on their sterilizer chambers. These door interlock systems are tied to the monitoring and control

[8] 29 CFR 1910.1047.

[9] D. Hearne and K. Schmidtke, MRI, to D. Markwordt, U.S. EPA. October 24, 1994. *Revised Calculation of MACT Floors for Major Source Chamber Exhaust Vents at Ethylene Oxide Commercial Sterilization and Fumigation Operations; National Emissions Standards for Hazardous Air Pollutants (NESHAP)* (Legacy Docket ID No. A–88–03, Docket Entry IV–B–02).

[10] National Institute for Occupational Safety and Health, *Preventing Worker Injuries and Deaths from Explosions in Industrial Ethylene Oxide Sterilization Facilities (Revised Edition).* August 2007. *https://www.cdc.gov/niosh/docs/2007-164/.*

[11] Chemical Safety and Hazard Investigation Board, *Investigation Report: Sterigenics (4 Employees Injured).* March 2006. *https://www.csb.gov/sterigenics-ethylene-oxide-explosion/.*

[12] *https://pubchem.ncbi.nlm.nih.gov/compound/Ethylene-oxide#section=Lower-Explosive-Limit-(LEL).*

[13] See memorandum, *Meeting Minutes for Discussion with Representative of LESNI,* located at Docket ID No. EPA–HQ–OAR–2019–0178. March 7, 2019.

equipment already operating within the sterilizer chamber. The interlock system ensures that the sterilizer chamber doors are unable to be opened by facility personnel prior to achieving the prescribed in-chamber concentration of EtO, *i.e.,* below the LEL. By preventing premature opening of the sterilizer chamber door prior to reaching a non-explosive EtO concentration, the door interlock system accomplishes two things: (1) It ensures that gas from the sterilizer chamber is prevented from being directed to the CEV until the EtO concentration within the chamber is well below the LEL, and (2) it greatly reduces the amount of fugitive EtO that operators will be exposed to over the course of the work day. Industry trade associations have indicated that environmental health and safety issues surrounding worker exposure have been a major focus of EtO sterilization-centered working groups over recent years (AdvaMed 2019).[14]

The combination of an in-chamber EtO concentration limit and an interlock system tied to that limit enables facilities to continue to meet OSHA workplace exposure standards with respect to emissions from the sterilizer chamber.

The EPA is soliciting comment on cost, the time required to implement an interlock system, the number of facilities currently utilizing interlock systems, and the extent to which aspects interlock systems might differ for small business facilities, and safety considerations for an interlock system on the sterilizer chamber door that is linked to the in-chamber concentration (Comment C–11).

D. Other Point Source Control Options

1. Balancer/Abator System

Add-on control devices such as wet acid scrubbers, catalytic oxidizers, and dry bed scrubbers are commonly used to control the emissions of EtO from the commercial sterilization source category. Generally, the add-on APCD is designed based on the maximum flow rates and EtO concentrations from the emission sources vented to the device. An APCD used for reducing the EtO emissions from the Commercial Sterilization and Fumigation Operations source category that was developed since the initial NESHAP is a combination water balancer and catalytic oxidizer, also referred to as the balancer/abator system. This system vents EtO to the water balancer, where a significant portion of the EtO is stored within the water, so that a flow of air at a constant EtO concentration can be fed to the catalytic oxidizer. The SCVs are first vented to the water balancer, and the stream from the balancer is then to the catalytic oxidizer. The ARVs and CEVs are sources of more dilute EtO-laden streams and, therefore, are not vented to the water balancer—they are vented directly to the catalytic oxidizer. Emissions from the ARVs and CEVs are first mixed with the stripped EtO stream from the SCV and then emissions from all three vents are routed to the catalytic oxidizer. The water balancer does not convert the EtO into ethylene glycol, as the scrubbing water is not acidic enough to drive the conversion (*i.e.,* addition of sulfuric acid would drive the conversion to ethylene glycol).

One advantage of this APCD is related to the intermittent venting of high EtO concentration streams from the sterilizer chamber. The concentration of EtO within an SCV stream can vary depending on how much EtO is used for sterilizing a product, as well as what sterilization phase the chamber is in at the time of exhaust (*e.g.,* dwell period, gas washing, etc.). The number of chambers venting to one balancer also has an impact on overall concentration. The water balancer essentially ''stores'' the EtO peaks from the SCV in the water, and the catalytic oxidizer is designed based on a relatively constant flowrate and EtO concentration from the combination of the stream from the balancer and the ARV and CEV emission streams, rather than based on the peak flowrates and EtO concentrations from the SCV.

The balancer/abator system design was introduced in the U.S. in 2006, and there are at least four facilities currently using this APCD in four states and territories. The balancer/abator system achieves 99.9-percent reduction of EtO emissions and EtO concentrations of 0.5 milligrams per normal cubic meter (roughly equivalent to 0.27 ppmv) (LESNI 2019).[15] The ARV and CEV concentrations are characterized as dilute concentrations in a high-volume air flowrate. The balancer/abator system helps normalize both the flowrate and the EtO concentration fluctuations. The EPA is soliciting comment on use of the balancer/abator system, the emission reductions likely to be achieved from such use, the associated costs, the time required to implement a balancer/abator system, the number of facilities currently using balancer/abator systems, and the extent to which aspects of a balancer/abator system might differ for small business facilities (Comment C–12).

2. Improvements to Existing Point Source Controls

While the current standard for control device efficiency requires 99-percent removal (along with a 1-ppmv alternative for ARVs), the EPA is aware of many situations in which testing has revealed emission control performance that is significantly superior to the current standard. The EPA is soliciting comment on potential improvements to control device efficiencies and observed removal efficiencies or outlet concentrations, along with any costs potential implementation issues associated with achieving those higher control efficiencies, the time required to improve existing point source controls, the number of facilities that have made improvements to their existing point source controls, and the extent to which improvements to existing point source controls might differ for small business facilities (Comment C–13).

3. Improved Monitoring Instruments for Ethylene Oxide

Since the regulations at 40 CFR part 63, subpart O, were finalized in 2001, there have been significant improvements in monitoring equipment, including new continuous monitoring instruments that are considerably more sensitive than previous monitoring technology. In the past, there have been concerns over detecting low concentrations of EtO, but instrumentation is now available with a detection capability in the single parts per billion by volume within the exhaust stack for the APCD. Instrument manufacturers have developed innovative techniques which use optical spectroscopy that allow for greater sensitivity and better time-resolution than the current monitoring techniques specified in the rule. The EPA is requesting comment on the feasibility of using continuous monitoring systems and is soliciting comment on the cost considerations for installing and operating the monitoring units, particularly for control devices. The EPA is also soliciting comment on the number of facilities currently using improved monitoring instruments (Comment C–14).

4. Accelerated Aerator Design and Aeration Cells

One process equipment improvement available is the use of accelerated aeration cells. The use of focused

[14] See memorandum, *Meeting Minutes for Discussion with Representatives of AdvaMed,* located at Docket ID No. EPA–HQ–OAR–2019–0178. July 2, 2019.

[15] See memorandum, *Meeting Minutes for Discussion with Representative of LESNI,* located at Docket ID No. EPA–HQ–OAR–2019–0178. March 7, 2019.

aeration was discussed in the 1992 EtO Sterilization Background Information Document,[16] including use of both smaller, heated aeration chambers (43 degrees Celsius (°C)) and vacuum cycles on the small aeration cells. The use of aeration cells rather than aeration rooms significantly reduces the volume of air vented to the APCD. The EPA does not have information on the total number of facilities that are using aeration cells.

A large aeration room requires large volumetric flowrates to move the EtO out of the room. Such rooms have low EtO concentrations and large volumes of gas and entail many air changeovers (*e.g.,* 20 air changes per hour). It may take 5 to 10 days to complete the aeration cycle for such a room. Replacing the large aeration room with an aeration cell reduces the volumetric flowrate from the emission source. Use of smaller aeration cells may reduce the amount of aeration time needed, remove the EtO more efficiently, and reduce the residual EtO in the final product.

Combining heated aeration cells with high-turbulence air flow or with vacuum cycles is a newer approach to aeration for commercial sterilization, sometimes referred to as acceleration aeration. Heated chambers are typically in the range of 40 °C to 60 °C. Inlet air is introduced at multiple inlet ports along the side of the aeration cell and removed at multiple outlet points along the top of the cell to provide even distribution of air throughout the cell. Combining aeration cells with high-turbulence air movement throughout the cell can accelerate the aeration process by reducing the number of air changeovers needed to remove the EtO from the product. One manufacturer noted that shallow vacuum intervals vary between 50 and 700 millibars, and that the use of shallow vacuum is expected to reduce the aeration time by 65 percent or more compared with traditional aeration procedures. Based on discussions with one trade organization, at least one company is currently modifying a facility so that it will incorporate the new accelerated aerator design (EOSA 2019).[17]

The EPA is soliciting comment on the use of accelerated aeration design and aeration cells; the emission reductions likely to be achieved by such changes; the feasibility of implementation of such changes; associated costs; the time required to implement accelerated aeration design or aeration cells; the number of facilities currently using accelerated aeration design or aeration cells; and the extent to which aspects accelerated aeration or aeration cells might differ for small business facilities (Comment C–15).

5. Cascading Air Method

Some facilities use cascading air to reduce the overall volume of air use for sterilization processes. A facility using a cascading technique does not use fresh air as feed air but rather reuses air from a low-concentration fugitive area as the feed air to another area. For example, reuse of the fugitive air from the warehouse can be used as intake air to the aeration room or aeration cell. Use of cascading air reduces the amount of air that needs to be processed by the APCD. In this example, rather than using a larger APCD to handle and control the volume of air from the ARV plus the warehouse room area, the facility routes the warehouse air to the aeration room, and the ARV emissions are then routed to a smaller APCD.

The EPA solicits comment of the feasibility of the cascading air technique; the emissions reductions that are likely to be achieved; the feasibility of implementation; associated costs; the time required to implement the cascading air method; the number of facilities currently using the cascading air method; and the extent to which aspects of the cascading air method might differ for small business facilities (Comment C–16).

E. Types of Sterilization Facilities

1. Single-Item Sterilizer Facilities

The EPA has identified 27 commercial EtO sterilization facilities that use a single-item sterilizer model. While a traditional sterilization chamber tends to be a larger vessel that accommodates pallets containing diverse products, a single-item sterilizer is generally smaller and may use much less EtO to sterilize products (*e.g.,* approximately 10 percent of the EtO that a traditional sterilization chamber would use). In the single-item sterilization process, workers place the product into a plastic pouch, a slight vacuum is applied, EtO gas is injected into the pouch and sealed, and the sealed pouch is placed in a room, chamber, or cabinet under specific temperature and humidity where EtO both sterilizes and then off-gasses or aerates. The EtO slowly dissipates from the pouch or bag by diffusion. Once the product is removed from the room, chamber, or cabinet, the product is held in the warehouse for 2 days before shipping. Just as is the case with traditional sterilizer chambers, EtO is stored in a pressurized drum when the single-item sterilization approach is used, although the cylinder tends to be smaller than EtO storage drums used at traditional sterilization facilities. EtO usage in a single-item sterilizer facility is often much less than in traditional sterilizer chambers.

Facilities using the single-item sterilizer process were previously thought to typically use much less than 1 ton of EtO per year,[18] and under 40 CFR part 63, subpart O, processes that use less than 1 ton of EtO are only subject to the recordkeeping requirements. Processes that use over 1 ton of EtO per year are subject to additional requirements. A recent review of single-item sterilizers found the EtO usage for at least four of these facilities to be in excess of 1 ton.[19] The EPA is requesting comment on (1) specific emissions controls that are used or could be used at single-item sterilizers in EtO commercial sterilization, and (2) whether there are any technical or process differences between single-item sterilization and traditional sterilizer chambers that should be considered when adopting measures to reduce emissions. The EPA is seeking additional information on costs associated with single-item sterilization use (including costs related to machine purchase and maintenance, design considerations, and implementation) and on costs associated with compliance with the NESHAP's emissions limits under the current subpart O regulations. The EPA also solicits comment on the number of facilities that are single-item sterilization facilities (Comment C–17).

2. Combination Sterilizer Facilities

The EPA is aware of another technology, a combination sterilizer, that is used in the EtO commercial sterilization industry. In combination sterilizers, the sterilization step and aeration step occur in sequence in the same chamber. The chamber is evacuated and EtO gas is injected into the chamber. After the sterilization process is completed, air washes are used to remove most of the EtO from the product. The exhausted EtO may be vented to the atmosphere or to a carbon canister, with charcoal adsorbent, to

[16] U.S. EPA, Office of Air Quality Planning and Standards, Emission Standards Division. *Ethylene Oxide Emissions for Commercial Sterilization Fumigation Operations Background Information for Proposed Standards.* October 1992 (Legacy Docket A–88–03, Docket Entry II–A–022).

[17] See memorandum, *Meeting Minutes for Discussion with Representatives of the Ethylene Oxide Sterilization Association (EOSA),* located at Docket ID No. EPA–HQ–OAR–2019–0178. March 18, 2019.

[18] *Ethylene Oxide Commercial Sterilization and Fumigation Operations NESHAP Implementation Document,* EPA–456/R–97–004, March 2004.

[19] See annual EtO usage data provided in Docket ID No. EPA–HQ–OAR–2019–0178.

control the EtO. One advantage of this sterilization approach is a reduction of EtO fugitive emissions due to the elimination of the step in which product is moved from the sterilization chamber to the aeration equipment.

The EPA is seeking information and comment on the viability of replacing traditional EtO sterilization operations with combination sterilizers. The EPA is also seeking information on the emissions associated with combination sterilizers relative to traditional sterilizers; the control devices typically used for these types of chambers; costs associated with operating emissions controls for combination EtO sterilizers; and the number of facilities currently using combination sterilizers (Comment C–18).

3. Sterilization Facilities Owned by Small Businesses

As discussed in section III of this ANPRM, small businesses make up a significant portion of the EtO Commercial Sterilization and Fumigation Operations source category. Given their prevalence within this industry, it is important that the EPA understand any technical or process differences between facilities owned by small businesses and facilities in the rest of the source category. Specifically, the EPA requests comment on the extent to which facilities owned by small businesses may differ operationally from facilities operated by larger businesses, including whether the emissions profiles differ consistently. The EPA also solicits comment on whether small businesses tend to own small facilities, and whether small businesses tend to use processes that have higher or lower emissions (Comment C–19).

4. Other Distinctions Among Sterilization Facilities

While the EPA has noted differences between the types of sterilization facilities mentioned above, the EPA is also soliciting comment on whether there are other types of sterilization facilities that are markedly different in terms of processes, operations, costs, or environmental impact when compared with traditional sterilization facilities (Comment C–20).

V. Statutory and Executive Order Reviews

Additional information about statutes and relevant Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

Under Executive Order 12866, *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. This action does not propose or impose any requirements, and instead seeks comments and suggestions for the Agency to consider in possibly developing a subsequent proposed rule. Should the EPA subsequently determine to pursue a rulemaking, the EPA will address relevant statutes and Executive Orders as applicable to that rulemaking.

Dated: December 5, 2019.

Andrew R. Wheeler,

Administrator.

[FR Doc. 2019–26804 Filed 12–11–19; 8:45 am]

BILLING CODE 6560–50–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

40 CFR Part 1604

[Docket Number: CSB–2019–0004]

RIN 3301–AA00

Accidental Release Reporting

AGENCY: Chemical Safety and Hazard Investigation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule describes when an owner or operator is required to file a report of an accidental release and the required content of such a report. The purpose of the proposed rule is to ensure that the CSB receives rapid, accurate reports of any accidental release that meets established statutory criteria.

DATES: Comments must be submitted by January 13, 2020.

ADDRESSES: You may send comments, identified by docket number and/or RIN number, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: reportingrule@csb.gov.* Include docket number and/or RIN number, 3301–AA00, in the subject line of the message.
- *Mail:* Chemical Safety and Hazard Investigation Board, 1750 Pennsylvania Ave. NW, Suite 910, Washington, DC 20006, ATTN: Reporting Rule Comment.

Instructions: All submissions must include the agency name and docket number, CSB–2019–0004, or Regulatory Information Number, 3301–AA00, for this rulemaking. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation and Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, call or email Mr. Thomas Goonan, General Counsel of the Chemical Safety and Hazard Investigation Board, by telephone at 202–261–7600, or by email at *rulemaking@csb.gov.*

SUPPLEMENTARY INFORMATION: The enabling statute of the Chemical Safety and Hazard Investigation Board (CSB) provides that the CSB ''shall establish by regulation requirements binding on persons for reporting accidental releases into the ambient air subject to the Board's investigative jurisdiction.'' 42 U.S.C. 7412(r)(6)(C)(iii). The proposed rule is intended to satisfy this statutory requirement.

Background

The CSB was established by the Clean Air Act Amendments of 1990. The statute directs the CSB, among other things, to investigate and report on any accidental release ''resulting in a fatality, serious injury or substantial property damages.'' 42 U.S.C. 7412(r)(6)(C)(i) and (ii). The statute also requires the CSB to issue a rule governing the reporting of accidental releases to the CSB. 42 U.S.C. 7412(r)(6)(C)(iii).

Although the CSB's enabling legislation was enacted in 1990, the CSB did not begin operations until 1998. Since 1998, the CSB has not promulgated an accidental release-reporting requirement as envisioned in the CSB enabling legislation.

In 2004, the DHS Inspector General recommended that the CSB implement the statutory reporting requirement: ''The CSB needs to refine its mechanism for learning of chemical incidents, and it should publish a regulation describing how the CSB will receive the notifications it needs.'' (Department of Homeland Security, Office of Inspector General, ''A Report on the Continuing Development of the U.S. Chemical Safety and Hazard Investigation Board,'' OIG–04–04, Jan. 2004, at 14.) In 2008, the Government Accountability Office (GAO) also recommended that the CSB fulfill its statutory obligation by issuing a reporting rule. (U.S. Government Accountability Office, ''Chemical Safety Board: Improvements in Management

and Oversight Are Needed,'' GAO–08–864R, Aug. 22, 2008, at 11.)

On June 25, 2009, the CSB submitted an Advanced Notice of Proposed Rulemaking (ANPRM) entitled ''Chemical Release Reporting,'' at 74 FR 30259–30263, June 25, 2009. The ANPRM outlined four potential approaches to accidental release reporting and requested additional information for developing a proposed rule. Specifically, the CSB sought comments in response to several specific questions, including but not limited to the following:

- Are there Federal, State, or local rules or programs for reporting chemical or other types of incidents that would be an appropriate model for the CSB to consider in developing a reporting requirement?
- Should an initial report be made to the CSB or the National Response Center?
- What information should be reported to the CSB?
- How soon after an accident should reporting occur?
- Should the rule be designed with distinct requirements for rapid notification of high-consequence incidents and more systematic (and slower) notification of other incidents?

74 FR 30262.

In response to the ANPRM, the CSB received 27 comments from a variety of interested parties. These comments are included as part of the docket for this rulemaking and labeled for reference as CSB–ANPR0901–000001 to CSB–ANPR0901–000133.

On February 4, 2019, a U.S. District Court judge ordered the CSB to issue a rule requiring the reporting of accidental chemical releases to the CSB. See *Air Alliance of Houston, et al.* v. *U.S. Chemical Safety and Hazard Investigation Board,* 365 F. Supp. 3d 118 (D.D.C. Feb. 4, 2019). The court directed the CSB to promulgate a final rule within 12 months of the date of the court's final order.

Public Participation and Request for Comments

Submitting Comments

If you submit a comment, please: Include the docket number for this rulemaking (USCSB–2019–0004) and/or the RIN number, 3301–AA00; indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. We recommend that you include your name and either a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

Online

To submit your comments online, go to *http://www.regulations.gov* and find the CSB's proposed rule. You can find a rule on *regulations.gov* by entering a keyword, title, RIN number, or document ID in the search area on the homepage and click the ''Search'' button. On the ''Search Results'' page, you can narrow your results with the filters on the screen. Once you find the proposed rule, click its title to view the ''Document Details'' page.

Once you locate a document that is open for comment, click the ''Comment Now!'' button on either the Search Results or the Document Details page. This will display the Comment Form. You can enter your comment on the form, and attach files (up to 10 MB each). Be sure to complete all required fields. Please note that some information entered on the web form may be viewable publicly. These fields are identified by the globe icon. Once you reach the ''Your Preview'' screen, the information that will be viewable publicly is displayed directly on the form under the section titled: ''This information will appear on *Regulations.gov.*'' To complete your comment, you must first agree to the disclaimer and check the box. This will enable the ''Submit Comment'' button.

Upon completion, you will receive a Comment Tracking Number for your comment. To learn more about comment submission, visit the ''Submit a Comment'' section of the ''How to Use Regulations.gov'' pages.

Mail or Hand Delivery

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know if your mail reached the CSB, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based upon your comments.

Viewing Comments and Documents

To view comments, as well as documents described in this preamble as being available in the docket, go to *http://www.regulations.gov.* If you do not have access to the internet, you may view the docket online by visiting the Chemical Safety and Hazard Investigation Board, 1750 Pennsylvania Ave. NW, Suite 910, Washington, DC 20006, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Please call 202–261–7600 in advance to schedule an appointment.

Regulatory Requirements

Unfunded Mandates Reform Act (2 U.S.C. Ch. 25)

The Act does not apply to independent regulatory agencies, 2 U.S.C. 658(1). In any event, the proposed rule does not contain a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year. Nor will it have a significant or unique effect on small governments.

Regulatory Flexibility Act (5 U.S.C. Ch. 6)

The Regulatory Flexibility Act (RFA) requires Federal agencies to assess the impact of a proposed rule on small entities and to consider less burdensome alternatives for rules that are expected to have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603. However, an agency is not required to prepare such an analysis for a proposed rule if the Agency head certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). For the reasons discussed below, the CSB has certified to the SBA's Chief Counsel for Advocacy of the Small Business Administration (''SBA'') that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small businesses, small governmental jurisdictions, or small organizations.

Summary of Proposal

As authorized by 42 U.S.C. 7412(r)(6)(C)(iii), the CSB has proposed a rule to require an owner or operator of a stationary source to submit an accidental release report to the CSB. The proposed rule describes when an owner or operator is required to file a report of an accidental release, and the required content of such a report. The purpose of the proposed rule is to ensure that the CSB receives rapid, accurate reports of any accidental release that meets established statutory criteria.

The proposed accidental release reports will require only information that is already known or should be available to an owner/operator soon after an accidental release. The required information is also limited in scope to critical information required for the CSB to make informed decisions about its

jurisdiction, interagency coordination, and deployment decision-making. For example, paragraphs (a)–(e) require only minimal contact information and a basic description of the accidental release. Paragraph (g) requests the relevant CAS Registry Number associated with the chemical(s) involved in the accidental release. Paragraphs (h), (i), (j), and (l)(1)–(3) include an important qualifier, ''if known.'' This qualifier recognizes that some or all of this information may not be known within four hours of an accidental release.

Economic Impact

Small Entity Impact

Although the CSB concluded that the proposed rule will not have a significant economic impact on businesses, regardless of size, the CSB nevertheless estimated how many small businesses would be impacted by the proposed rule by using the following methodology. In order to estimate the percentage of reports that would likely be filed by small businesses each year, the CSB reviewed the 1,923 accidental releases to determine how many releases could be matched to a NAICS code and how many distinct NAICS codes were represented. Of the 1,923 incidents, approximately 85 percent (1,625) had a NAICS code identifier. The 1,625 events were distributed among 441 distinct, six-digit NAICS codes.[1]

Because of the distribution of accidental releases among so many different NAICS codes, the CSB focused its analysis on the business types most likely to be impacted by the proposed rule: Firms with NAICS codes that appeared most often in the dataset. The CSB sorted the 1,625 releases with a NAICS code into three segments: (1) NAICS codes which appeared at least 10 times in the dataset; (2) NAICS codes which appeared between 5–9 times, and (3) NAICS codes that appeared less than 5 times. The CSB concluded that a total of 19 NAICS codes appeared 10 or more times and represented 423 separate incidents, or 26% of the 1,923 events recorded in the database.

The 19 NAICS codes with at least 10 events over the pertinent time period are listed in Table 2 below. The CSB used these 19 codes as a sample to assess impact on small businesses. The CSB assumed that releases fell evenly across all businesses within each NAICS code. Based on the total number of reports for each code (column 2), the CSB calculated the percentage of accidental releases occurring within each of the 19 most frequent NAICS codes in relation to the total number of 1,923 incidents in the database. This information is summarized in Table 2, column 3.

The CSB used the U.S. Small Business Administration Table of Small Business Size Standards to determine the pertinent small business standard for each of the 19 NAICS categories.[2] Depending on the NAICS code, a firm's status as a small business is determined by the number of employees or by annual revenue.[3] The pertinent measure for each NAICS code, employment or revenue, is set out in Table 2 in the fourth and fifth columns.

The CSB determined the total number of firms in each category, and the total number of small firms in each category, by consulting the most recent census tables summarizing data for U.S. businesses. See Table 1, columns 6 and 7. The most recent data for businesses measured by employment is from 2016.[4] The most recent data for businesses measured in terms of revenue is from 2012.[5] The percentage of small businesses within each NAICS code is listed in the last column of Table 2.

TABLE 1—RELEASES BY NAICS CATEGORIES IN TERMS OF FREQUENCY OF RELEASES 2009–2019

NAICS code	NAICS industry name	Number (percent) of incidents in sample (N=1,923)	Size standards in millions of dollars of revenue (2012)	Size standards in number of employees (2016)	Total firms	Small	% Small
324110	Petroleum Refineries	54 (2.8%)	N/A	1,500	96	*51	53
213112	Support Activities for Oil and Gas Operations	48 (2.5%)	$42	N/A	8,877	8,595	98
211111	Crude Petroleum and Natural Gas Extraction	44 (2.3%)	N/A	1,250	5,658	*5,558	98
424690	Other Chemical and Allied Products Merchant Wholesalers	28 (1.5%)	N/A	150	5,912	5,410	92
213111	Drilling oil and gas	27 (1.4%)	N/A	1,000	1,795	*1,754	98
325199	All Other Basic Organic Chemical Manufacturing	24 (1.25%)	N/A	1,250	584	*485	83
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing.	24 (1.25%)	N/A	500	1,005	924	92
325211	Plastics Material and Resin Manufacturing	20 (1.04%)	N/A	1,250	855	*736	86
423930	Recyclable Material Merchant Wholesalers	20 (1.04%)	N/A	100	6,776	6,569	97
331110	Iron and Steel Mills	22 (1.14%)	N/A	1,500	442	*372	84
221310	Water Supply and Irrigation Systems	18 (.94%)	30	N/A	3,293	3,243	98
424720	Petroleum and Petroleum Products Merchant Wholesalers	17 (.88%)	N/A	200	1,690	1,490	88
238910	Site Preparation Contractors	15 (.78%)	17	N/A	33,806	33,324	98
311615	Poultry Processing	13 (.68%)	N/A	1,250	317	*258	81
325180	All Other Basic Inorganic	16 (.8%)	N/A	1,000	365	279	76
221320	Sewage Treatment Facilities	12 (.62%)	22	N/A	398	370	93
237120	Oil and Gas Pipeline and Related Structures Construction	12 (.62%)	40	N/A	1,779	1,592	89
811111	General Automotive Repair	11 (.57%)	8	N/A	76,336	75,639	99
713940	Fitness and Recreational Sports Centers	10 (.52%)	8	N/A	24,775	24,348	98
	Total	435 (23%)					

Note 1: An asterisk appears next to numbers in the table that are estimates based on a lack of sufficiently specific census data. For example, the pertinent employment size standard for iron and steel mills set by the SBA is 1,500 employees. However, census data does not provide specific information on the number of firms with more than 1,500 employees. Instead, the highest category is 500 and more employees. Thus, for purposes of analysis, the counted firms with less than 500 employees as small firms.

[1] The CSB determined that a total of 253 NAICS codes appeared only one time over 10 years. Thus, 57% (253 out of 441) of the codes involved only one incident.

[2] U.S. Small Business Administration, Table of Small Business Size Standards Matched to North American Industry Classification System Codes (effective August 19, 2019), available at *https://www.sba.gov/document/support--table-size-standards.*

[3] Id. The SBA does set out some alternative measures for certain codes, but the CSB review used only standard measures.

[4] Number of Firms, Number of Establishments, Employment, and Annual Payroll by Enterprise Employment Size for the United States, All Industries: 2016 (released 12/18/2018), available at *https://www.census.gov/data/tables/2016/econ/susb/2016-susb-annual.html.*

[5] Number of Firms, Number of Establishments, Employment, Annual Payroll, and Estimated Receipts by Enterprise Receipt Sizes for the United States, All Industries: 2012 (released June, 22, 2015), available at *https://www.census.gov/data/tables/2012/econ/susb/2012-susb-annual.html.*

* * * * *

The CSB then multiplied the percentage of small business within each category by the total number of reported releases in that category over the 10-year period. Table 2, column 7. This number was then divided by 10 to obtain the number of reports anticipated each year on average from small businesses within each NAICS code.[6] Table 2, column 8. Because the number of small business reports expected annually is low, (covering a range from .91 to 4.7) for the sectors with the most identifiable releases, the CSB reasons that the impact in sectors with only a few releases over 10 years would be inconsequential.

TABLE 2—EXPECTED ANNUAL REPORTS BURDEN BY SECTOR

NAICS code	NAICS industry name	Total businesses[7]	Small	% Small	Expected reports 2020–2030	Expected—reports from small businesses—2020–2030	Expected annual reports—small business
213112	Support Activities for Oil and Gas Operations	8,727	8,596	.98	48	47	4.7
211111	Crude Petroleum and Natural Gas Extraction	5,658	5,558	.98	44	43	4.32
324110	Petroleum Refineries	96	51	.53	54	28.29	2.87
213111	Drilling Oil and Gas Operations	1,795	1,754	.98	27	27	2.64
325998	Miscellaneous Chemical Product & Preparation Manufacturing.	1,005	924	.92	24	22	2.2
423930	Recyclable Material Merchant Wholesalers	6,776	6,569	.97	20	19.4	1.94
325199	All Other Basic Organic Chemical Manufacturing	584	485	.83	24	20	1.99
331110	Iron and Steel Mills	442	372	.84	22	18.48	1.85
325211	Plastics Material and Resin Manufacturing	855	736	.86	20	17.2	1.7
221310	Water Supply and Irrigation Systems	3,293	3,243	.98	18	17.6	1.76
424690	Other Chemical and Allied Products Merchant Wholesalers	5,912	5,410	.92	17	15.64	1.56
424720	Petro. and Petro. Products Merchant Wholesalers (except Bulk Stations and Terminals).	1,690	1,487	.88	17	15	1.5
238910	Site Preparation Contractors	34,153	32,997	.98	15	14.7	1.47
325180	All Other Basic Inorganic Chemical Manufacturing	365	279	.76	16	12.16	1.22
221320	Sewage Treatment Facilities	398	370	.93	12	11.2	1.12
811111	General Automotive Repair	76,336	75,639	.99	11	10.89	1.08
237120	Oil and Gas Pipeline and Related Structures Construction	1,779	1,592	.89	12	11	1.1
311615	Poultry Processing	317	258	.81	13	10.5	1.0
713940	Fitness and Recreational Sports Centers	24,775	24,348	.98	10	10	.98

Estimated Reports per Year

The CSB identified 1,923 chemical accidents in its database that occurred between January 1, 2009, and July 15, 2019. Each of these incidents involved either a fatality or hospitalization. A copy of the CSB's database information regarding the 1,923 accidental releases is included in the docket for reference.[8] The total number of annual incidents ranged from a low of 113 in 2017 to a high of 291 in 2012. Over 10.5 years, the average annual number of accidents was approximately 183. The median number of accidents per year was 169.

Because the database tracked hospitalizations (as opposed to serious injuries as defined in the proposed rule), it is possible that certain incidents within the CSB's investigatory jurisdiction are not included in the database. In addition, it is possible that the CSB's data does not include a small number of accidental releases that resulted in a fatality. A release resulting in a fatality might have been missed if it was not reported to NRC pursuant to other law or not reported in the media.[9] For these reasons, the CSB recognizes that the annual average of 183 incidents may undercount a certain number of accidental releases which meet the CSB's statutory criteria. On the other hand, the past annual average does not take into account that a certain number of full reports will not be required under the proposed rule if a party has already reported the release to the NRC under CERCLA. In light of all factors, the CSB increased its annual estimate of reports from the historic average of 183 to 200.

Burden Estimate-Time

The CSB considered two areas of burden: Familiarization costs and reporting costs. The CSB estimated that it would take approximately 45 minutes for each firm to learn about the rule and when to report. The CSB considers this a one-time cost, which will be borne by all entities which might experience an accidental release, whether or not such a release occurs. The CSB also estimated that it would take each firm approximately 15 minutes to submit a report to the CSB following an accidental release.

The CSB reviewed forms the NRC uses to guide its operators in taking release information with questions similar to those included in the CSB's proposed form. The main difference is that the proposed CSB form had fewer data queries. The CSB asked NRC how long it typically took its operators to collect information from a caller reporting an accidental release. NRC does not break that information down based on the type of incident involved but had other relevant, informal information to share. NRC informed the CSB that it receives approximately 30,000 telephone reports each year, and the average time required for each operator to complete the call was approximately 8 minutes. The CSB conducted two simulated accidental release phone calls in which the caller was asked for the same information as is required under the proposed rule. These simulated calls also took approximately 8 minutes. Thus, the available information indicated that a

[6] The database covered approximately 10.5 years, but the CSB used 10 in its calculation for simplicity.

[7] In order to calculate the number of small businesses, the CSB had to use two different census tables. If the size standard was based on revenue, the CSB relied on a 2012 table. If the size standard was based on employment, the CSB used the 2016 table.

[8] Because of the CSB's limited resources and lack of available information, there are certain limitations to the information contained in the CSB database. The database was not designed to comprehensively collect statistically valid data concerning all accidental releases. Much of the information in the database comes from the first day of incident media reports. The CSB could only follow up on a limited number of events per year to verify information contained in the media reports.

[9] During the relevant time period, the CSB relied on NRC reports and media surveillance search engines to identify releases of interest.

phone submission would take approximately 8 minutes. In its judgment, the CSB estimated that it would take 2–3 additional minutes to complete a screen-fillable .pdf form and email it to the CSB. To allow for some margin of error in its analysis, the CSB estimates that it will take approximately 15 minutes to submit a report, either by telephone or by emailing a form.

Burden Estimate-Cost

The CSB then estimated an hourly labor cost to translate the time requirement into a cost figure. In order to determine an appropriate hourly rate, the CSB identified six relevant occupation codes, the annual mean wage, and the mean hourly wage for each, based on the Bureau of Labor Statistics' May 2018 National Occupational Employment and Wage Estimates United States.[10] The CSB next combined the average hourly rate for each of the six classifications and divided that total by six. This calculation produced an average hourly rate of $37.20. This information is summarized in Table 3 below.

The CSB then multiplied the average hourly wage ($37.20) by the total time requirement for the first year of one (1) hour (45 minutes to learn about the rule and 15 minutes to submit a report). This calculation resulted in an estimated per-business compliance cost during the first year of $37.20. However, not all businesses will need to file a report during the first year or each year thereafter. Further, some businesses who need to file a report each year will not have to submit a full report to the CSB if the firm has already reported the event to the NRC under CERCLA.

Based on the minimal per business cost, the CSB has concluded that the proposed rule will not have a significant economic impact on any business, regardless of size.

TABLE 3—OCCUPATIONAL CLASSIFICATIONS AND WAGES

Occupational code	Occupation title	Mean annual wage	Mean hourly
13–1041	Compliance Officer	$72,520	$34.86
17–2081	Environmental Engineers	92,640	44.54
17–2110	Industrial Engineers [11]	91,800	44.14
17–1111	Health and Safety Engineers [12]	93,630	45.01
17–3025	Environmental Engineering Technicians	54,800	26.34
17–3026	Industrial Engineering Technicians	58,860	28.30
	Composite Average Hourly		37.20

Given the minimal burden of reporting imposed under the proposed rule, and the low number of reports expected from small businesses on an annual basis, the CSB concluded that the proposed rule will not have a significant economic impact on a substantial number of small entities. The CSB seeks comments on this certification, under the RFA. The CSB also requests comments on the threshold economic analysis, presented above, and its underlying assumptions.

* * * * *

Paperwork Reduction Act (44 U.S.C. Ch. 35)

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to, nor be subject to a penalty for, failure to comply with a collection of information unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

As of the date of the publication of this proposed rule, the CSB has made a PRA submission to OMB in accordance with 5 CFR 1320.5(a)(3) and immediately below has published the following notice required under 5 CFR 1320.5(a)(1)(iv):

Type of Information Collection: New Collection.

Title of the Collection: Accidental release report.

Summary of the Collection: The proposed collection requires an owner/operator of a stationary source to report information concerning an accidental release. Specific detail is provided in the proposed information collection request.

Need for the information and proposed use of the information: The CSB is required by law to issue an accidental release reporting rule. The CSB intends to use the information to learn of any accidental release within its jurisdiction and to plan how to respond to that particular accidental release.

A description of the likely respondents: The vast majority of respondents will be private sector businesses involved in the production, storage or handling of regulated substances or extremely hazardous substances.

Estimated number of likely respondents per year: 200.

Proposed frequency of response to the collection of information: Most respondents will only submit a response if an accidental release within the scope of the rule occurs during a given year. For the vast majority of potential respondents, the frequency of responses will likely be ''none'' in a given year.

An estimate of the total annual reporting and recordkeeping burden:

Reporting: The CSB estimates that approximately 200 reports will be submitted each year, and that each report will take approximately 15 minutes for each respondent to complete and submit to the CSB. Thus, the CSB estimates the total annual labor burden each year for reporting parties will be approximately 50 hours.[13]

The CSB then estimated an hourly labor cost to translate the time requirement into an annual cost figure. In order to determine an appropriate hourly rate, the CSB identified six relevant occupational classifications, and the annual salary for each position, based on the Bureau of Labor Statistics' May 2018 National Occupational Employment and Wage Estimates. A full discussion of this calculation is included in the discussion above concerning the Regulatory Flexibility Act. Based on its analysis, the CSB estimated an hourly rate of $37.20 was appropriate for purposes of estimated labor cost. The CSB then multiplied the average hourly wage rate of $37.20 by the total annual time estimate of 50

[10] *https://www.bls.gov/oes/current/oes_nat.htm*

[11] Includes health and safety engineers.

[12] Except Mining Safety Engineers and Inspectors.

[13] This estimate does not include first year familiarization costs for potentially impacted firms to learn about the rule and its requirements. However, the first year familiarization cost calculation is addressed in the regulatory flexibility section of the preamble.

hours to determine its total annual cost estimate of $1,860.00.

Recordkeeping: There is no recordkeeping requirement.

Notice that comments may be submitted to OMB: The collection of information proposed in this rule has been submitted to OMB for review under section 3507(d) of the Act. See 5 CFR 1320.8(d)(3). You may submit comments to OMB's Office of Information and Regulatory Affairs via email to *oira_submission@omb.eop.gov,* Attention: Desk Officer for the CSB. Because OMB is required to make a decision concerning the proposed information collection request between 30 and 60 days following receipt, OMB must receive comments no later than January 13, 2020.

Any interested person may also submit comments to the CSB regarding the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden directly. Whether submitted to OMB or the CSB, such comments should:

- 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;
- Address the potential to enhance the quality, utility, and clarity of the information to be collected; and
- Discuss options to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. Ch. 6)

The proposed rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 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 enterprises to compete with foreign-based enterprises in domestic and export markets.

National Environmental Policy Act of 1969 (5 U.S.C. 804)

The proposed rule will not have significant effect on the human environment. Accordingly, this rule is categorically excluded from environmental analysis under 43 CFR 46.210(i).

E-Government Act of 2002 (44 U.S.C. 3504)

Section 206 of the E-Government Act requires agencies, to the extent practicable, to ensure that all information about that agency required to be published in the **Federal Register** is also published on a publicly accessible website. All information about the CSB required to be published in the **Federal Register** may be accessed at *http://www.csb.gov.* This Act also requires agencies to accept public comments ''by electronic means.''

Finally, the E-Government Act requires, to the extent practicable, that agencies ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under the Administrative Procedure Act of 1946 (5 U.S.C. 551, *et seq.*). Under this Act, an electronic docket consists of all submissions under section 553(c) of title 5, United States Code; and all other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically. *Regulations.gov* will contain an electronic docket for this rulemaking.

Plain Writing Act of 2010 (5 U.S.C. 301)

Under this Act, the term ''plain writing'' means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. To ensure that this rulemaking has been written in plain and clear language so that it can be used and understood by the public, the CSB has modeled the language of this proposed rule on the Federal Plain Language Guidelines.

National Technology Transfer and Advancement Act of 1995 Section 12(d) (15 U.S.C. 272 Note)

The NTTAA requires agencies to ''use technical standards that are developed or adopted by voluntary consensus standards bodies'' to carry out policy objectives determined by the agencies, unless they are ''inconsistent with applicable law or otherwise impractical.'' The CSB has determined that there are no voluntary consensus standards that are appropriate for use in the development of this rule.

Congressional Review Act

A final rule will be subject to the Congressional Review Act (CRA). 5 U.S.C. 801(a)(1)(A). However, a final rule resulting from this rulemaking will not be a major rule as contemplated under the CRA. See 5 U.S.C. 804(1).

Discussion of the Proposed Rule

The CSB proposes to add a new part to title 40 of the Code of Federal Regulations, which will appear as a new part 1604. The proposed part will consist of six sections. Proposed § 1604.1 states the purpose of the rule. Proposed § 1604.2 sets forth key definitions. Section 1604.3 sets forth who must file a report and when. Section 1604.4 describes the information required in each report. Section 1604.5 implements the enforcement provisions authorized by 42 U.S.C. 7412(r)(6)(O). Section 1604.6 confirms that the procedure for seeking records obtained pursuant to the rule is governed by the Freedom of Information Act (FOIA), 5 U.S.C. 552, the CSB's procedural regulations for disclosure of records under the FOIA, 40 CFR part 1601, and other pertinent Federal disclosure laws.

§ 1604.1 Purpose

The purpose of the rule is to require an owner/operator to notify the CSB promptly of any accidental release within the CSB's investigatory jurisdiction. When the enabling legislation was adopted, there was no other reliable method for the government to learn quickly of an accidental release other than requiring that an owner/operator inform the government. A reporting rule should lead to the provision of information useful to CSB in assessing its jurisdiction and making deployment decisions.

Over the years, interested parties have suggested other potential benefits of a reporting rule. For example, GAO opined that the value of a reporting rule is broader than ensuring that the CSB receives mere notification of incidents, stating that a rule would ''better inform the agency of important details about accidents that it may not receive from current sources.'' (GAO–08–864R, at 11.) GAO also suggested that the information obtained through a reporting rule could improve the CSB's ability to ''target its resources, identify trends and patterns in chemical incidents, and prevent future similar accidents.''(GAO–08–864R, at 7).

The CSB appreciates the points made in the GAO report. However, the CSB is mindful that its enabling legislation

makes clear that in mandating this reporting rule, Congress did not intend that such a rule would supplant or conflict with existing public information and safety laws, such as The Emergency Planning and Community Right to Know Act (EPCRA), which is focused on emergency response, the protection of public health and safety, and the public release of information to mitigate risks to the public.[14]

The CSB, thus, has focused the rule on requiring an owner/operator to promptly report an accidental release to the CSB. The CSB's ability to propose a rule designed to achieve more than a meaningful notification is limited by the language and purpose of its enabling statute.

§ 1604.2 Definitions.

Section 1604.2 establishes definitions for the proposed rule. A few comments in response to the ANPRM suggested that CSB use definitions established in other rules. As explained below, the CSB could not use certain existing definitions in other rules. For example, the CSB is required to use certain definitions that are established at 42 U.S.C. 7412(r)(2)(A)–(C), which provides definitions for the terms ''accidental release,'' ''stationary source,'' and ''regulated substance.'' Although not a mandatory definition, the CSB determined that one definition in section 112(r) (''owner or operator'') was appropriate and relied on that existing definition. The CSB also set forth its own proposed definitions for certain terms important to implementation of the rule. The discussion below addresses most of the proposed definitions:

Accidental release means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

This proposed definition is adopted verbatim from 42 U.S.C. 7412(r)(2)(A). The CSB uses the statutory term ''accidental release'' throughout the rule to refer to an event meeting the specific statutory criteria under 42 U.S.C. 7412(r)(2)(A). To the extent there are references, in this or other related documents, to a ''chemical accident'' or ''incident,'' the context and specific facts will determine whether the event meets the statutory definition of an ''accidental release,'' or is instead employed generically to describe an event that may or may not satisfy the statutory definition of an accidental release.

[14] See section 303 of EPCRA.

Ambient air means any portion of the atmosphere inside, adjacent to, or outside a stationary source.

Although mentioned many times throughout the Clean Air Act, there is no statutory definition of the term ''ambient air.'' Accordingly, the CSB proposes a plain meaning definition. The plain meaning of the phrase ''ambient air'' is defined by two words—ambient, meaning ''existing or present on all sides'' and ''air,'' meaning ''the mixture of invisible odorless tasteless gases (as nitrogen and oxygen) that surrounds the earth'' (see, *e.g., https://www.merriam-webster.com/dictionary/ambient; https://www.merriam-webster.com/dictionary/air*).

The CSB is aware that EPA defined the term ''ambient air'' as part of its rule implementing the National Primary and Secondary Ambient Air Quality Standards. That definition reads as follows: ''Ambient air means that portion of the atmosphere, external to buildings, to which the general public has access.'' 40 CFR 50.1(e) While this definition may work well in terms of implementation of the National Primary and Secondary Ambient Air Quality Standards, its use in the CSB's proposed rule would undercut a primary purpose of section 112 of the Clean Air Act Amendments of 1990—to protect workers inside structures at a stationary source.

Extremely hazardous substance means any substance that may cause death, serious injury, or substantial property damages, including but not limited to any ''regulated substance'' at or below any threshold quantity set by the EPA Administrator under 42 U.S.C. 7412(r)(5).

The term ''extremely hazardous substance'' is not defined in the CSB's enabling legislation. However, the relevant legislative history provides: ''The release of any substance which causes death or serious injury because of its acute toxic effect or as the result of explosion or fire or which causes substantial property damage by blast, fire, corrosion or other reaction would create a presumption that such substance is extremely hazardous.'' Sen. R. 101–228 at ____ (1989), reprinted in 1990 U.S.C.C.A.N. 3385, 3596. Although it is an important element, the specific property of a substance, such as flammability, toxicity, corrosiveness, etc., does not always determine whether a substance is extremely hazardous. For example, a substance on its own may not be considered hazardous. When combined with other substances, however, the consequences may be lethal.

The CSB has therefore proposed a definition of ''extremely hazardous substances,'' which focuses on the consequences of a substance when it is accidentally released. Thus, an ''extremely hazardous substance'' includes any substance that alone, or in combination with other substances or factors, causes death, serious injury, or substantial property damages.

Other laws or rules that define or list ''hazardous substance(s)'' may provide useful guidance as to what is an ''extremely hazardous substance'' for purposes of the CSB's definition, but such lists or associated threshold quantities do not control the CSB's definition. Again, the pertinent legislative history supports an expansive definition:

> Extremely hazardous substances would also include other agents which may or may not be listed or otherwise identified by any Government agency currently which may as the result short-term exposures associated with releases to the air cause death, injury or property damage due to their toxicity, reactivity, flammability, volatility or corrosivity.

S. Rep. 101–228 at 212 (1989), reprinted in 1990 U.S.C.C.A.N. 3385, 3596.

For example, the CSB definition is not limited to substances listed as a ''regulated substance'' defined as such under 42 U.S.C. 7412(r)(3).

> The accidents which the Board is to investigate are those which result from the production, processing, handling or storage of a chemical substance (not limited to the extremely hazardous substances listed under subsection (c)) which result in a death, serious injury, or substantial property damage.

S. Rep. 101–228 at 231 (1989), reprinted in 1990 U.S.C.C.A.N. 3385, 3615.

Thus, [extremely hazardous substances would include, but are not limited to, those substances which are specifically listed by the Administrator under subsection (c).'' S. Rep.101–228 at 212 (1989), reprinted in 1990 U.S.C.C.A.N. 3385, 3596.

Nor should the CSB definition be limited by threshold quantity limits set by other laws. A ''regulated substance'' includes a ''threshold quantity'' set by the Administrator under 42 U.S.C. 7412(r)(5). The CSB definition of extremely hazardous substance does not incorporate the concept of a threshold quantity. Limiting the CSB definition by reference to threshold limits set by other laws would potentially lead to results inconsistent with the CSB's statutory purpose. For example, the accidental release of a ''regulated substance'' that does not meet a threshold quantity can still cause serious injuries and death. There is nothing in the statutory scheme

to suggest that a death or serious injury caused by less than a threshold quantity of a ''regulated substance'' or other hazardous substance falls outside the CSB's investigatory jurisdiction.

To emphasize its broad definition and the inapplicability of a generic threshold limit, the CSB definition of ''extremely hazardous substance'' includes the phrase ''including but not limited to any 'regulated substance' at or below any threshold quantity set by the EPA Administrator under 42 U.S.C. 7412(r)(5).''

General public means any person except for workers, employees or contractors working for (or on behalf of) the owner or operator of a stationary source from which an accidental release has occurred and any person acting in the capacity of an emergency responder to an accidental release from a stationary source.

Under its enabling legislation, the CSB is directed to treat certain investigations as mandatory. See generally 42 U.S.C. 7412(r)(E) (''In no event shall the Board forego an investigation where an accidental release causes a fatality or serious injury among the general public, or had the potential to cause substantial property damage or a number of deaths or injuries among the general public.''). The proposed definition reflects the specific statutory emphasis that the CSB investigate any accidental release that impacts or threatens people not involved directly in the operations of a stationary source. The CSB is aware that EPA has longstanding policy interpretations of ''general public'' for purposes of implementing other sections of the Clean Air Act. However, these policy interpretations are neither binding nor pertinent to the CSB's implementation of an accidental release-reporting rule under its statutory authority.

Owner or operator means any person who owns, leases, operates, controls, or supervises a stationary source.

This proposed regulatory definition is adopted verbatim from 42 U.S.C. 7412(a)(9). As the enabling legislation recognizes, a stationary source may be under the ''common control'' of different entities. See 42 U.S.C. 7412(r)(2)(C). Multiple owners, leaseholders, or operators can exist alongside each other in complex business relationships such that a stationary source may be considered under the common control of two or more entities. Therefore, this definition applies to any person or entity who owns, leases, operates, controls, or supervises a stationary source, and can include parties with a joint interest, partnership interest, partial ownership interest, co-ownership interest, or any otherwise co-responsible parties who, in some manner, share in the ownership, leasing, operation, control or supervision of a stationary source.

These parties are in the best position to coordinate among themselves to determine which entity should file an accidental release report under this rule for an accidental release. For the purpose of efficiency, multiple owner/operators may agree in advance or at the time of release to a single, consolidated report on behalf of one or more parties who are responsible for reporting an accidental release from a stationary source. This proposed definition allows for the owner(s)/operator(s) to decide for themselves how best to meet the requirements of the rule, as long as an accidental release report is submitted by one of the parties following an accidental release.

Property damage means damage to, or the destruction of, tangible public or private property, including loss of use of that property.

This definition is well established for purposes of commercial liability insurance policies, and therefore most owner/operators should be familiar with its meaning and have no difficulty in determining whether there has been any property damage. In addition, the proposed definition confirms that pertinent property damage is not limited to the stationary source, but also includes damage to private property (*e.g.,* homes) and public property outside the stationary source.

Regulated substance means any substance listed by the EPA Administrator pursuant to the authority of 42 U.S.C. 7412(r)(3).

This definition is based on the definition at 42 U.S.C. 7412(r)(2)(B). The statute simply refers to ''substances listed under paragraph (3).'' For clarity, the definition here refers to the full citation at 42 U.S.C. 7412(r)(3) in order to encompass the ''List of Substances.''

Serious injury means any injury if it results in any of the following: Death; one or more days away from work; restricted work, or transfer to another job; medical treatment beyond first aid; loss of consciousness; any injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer.

As suggested by comments in response to its ANPRM, this definition is based on OSHA's regulations pertaining to Recording and Reporting Occupational Injuries and Illness, found at 29 CFR 1904.7. Although OSHA's regulatory requirement focuses on ''significant'' injuries, the CSB finds the word ''significant'' to be generally synonymous with the word ''serious'' in this context (compare *https://www.merriam-webster.com/dictionary/significant?utm_campaign=sd&utm_medium=serp&utm_source=jsonld#synonyms* and *https://www.merriam-webster.com/dictionary/serious*). The CSB further concluded that use of an existing OSHA definition would contribute to greater understanding among the regulated community and help to ensure faster and more effective compliance with the new regulation.

Stationary source means any buildings, structures, equipment, installations or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.

This definition is taken verbatim from 42 U.S.C. 7412(r)(2)(C). While this definition reiterates longstanding statutory language, the CSB notes that the phrase ''same industrial group'' requires some additional clarification. The CSB interprets this phrase as referring to ''industry group'' under the Standard Industrial Classification system (SIC), which was in common use when the Clean Air Act Amendments of 1990 were signed into law. SIC employed a four-digit classification system; the first three digits in the four-digit sequence indicated the ''industry group.''

In 1997, the SIC system was replaced by North American Industry Classification System (NAICS). NAICS employs a six-digit classification system. Under NAICS, the fourth digit in the six-digit sequence indicates industrial group. *www.census.gov/eos/www/naics/faqs/faqs.html#q5.*

Substantial property *damages* means property damage, at or outside the stationary source, estimated to be equal to or greater than $1,000,000.

In developing its definition, the CSB began with the plain meaning of the statute.[15] The CSB determined that the word ''substantial'' must be accorded some significance. Merriam Webster defines substantial as ''considerable in quantity: significantly great. . . .'' Clearly, property damage in a minimal amount (*i.e.,* $100) should not be considered ''substantial.'' This

[15] The CSB separately defined the words ''property damage.'' See discussion above.

interpretation is consistent with the available legislative history:

> The Board is authorized to investigate accidental releases which cause substantial property damage. Substantial damage would include fires, explosions, and other events which cause damages that are very costly to repair or correct, and would not include incidental damage to equipment or controls.

H.R. Conf. Rep. No. 952, 101st Cong., 2d Sess. 340 (1990), reprinted in 1990 U.S.C.C.A.N. 3867, 3872.

At the same time, the CSB determined that a very high dollar threshold, *i.e.,* $10,000,000, would not be consistent with the statutory intent because there are numbers far below that amount that any reasonable person would consider substantial. The difficulty, of course, is where to draw the line between substantial and non-substantial damages. The CSB looked at different sources for guidance.[16]

In reviewing its own work, the CSB concluded that nearly all of its published investigation reports involved a fatality or serious injury. This is noteworthy only because the CSB has not relied heavily on this factor in selecting accidental releases to investigate in-depth. With a low-dollar, property-damage-only accidental release, the CSB might receive a number of reports that would be unlikely candidates for further CSB investigation.

In response to its ANPRM, the CSB received few comments regarding this definition. The American Chemistry Council's comment suggested that the CSB adopt the DOT regulatory limit of $50,000. CSB–ANPR0901–000115. The CSB also considered API 754 (2016). API 754 suggests recording ''fire or explosion damage greater than or equal to $100,000 of direct cost'' under its Tier 1 category. Under API 754 Table D.1-Tier 1 Process Safety Event Severity Weighting, $100,000 in property damage would score one point. $1,000,000 would score three points, $10,000,000 would score 9 points, and $100,000,000 would score 27 points.

The CSB also considered EPA's ''Summary of Quantified Damages'' in its proposed amendments to its RMP rule. 81 FR 13637 at 13642–43, March 14, 2016. In looking at EPA RMP-covered facilities over a 10-year period, the EPA estimated an average of $1,354,578 in onsite property damage for each accident. Id. However, this figure is only an average, not a median, and is limited to only a subset of facilities within the scope of the proposed rule.

After reviewing the relevant factors, the CSB has proposed $1,000,000 as a threshold for purposes of defining ''substantial property damages.'' The CSB believes this amount should likely capture accidental releases of significance when there is no other basis for jurisdiction (no deaths or serious injuries). At the same time, this threshold should reduce the number of reports required when there is very little likelihood of serious scrutiny or follow-up investigation by the CSB because the accidental release did not cause any deaths or serious injuries.

The CSB notes, however, that any proposed threshold, even a much lower one, may exclude a small number of very significant accidental releases. This might occur if an accidental release fortuitously did not result in death, serious injury, or substantial property damages, but nevertheless involved the release of a significant amount of an extremely hazardous substance such as hydrofluoric acid. Despite the potential significance of such an accidental release, the CSB is concerned that its statutory language—''death, serious injury, or substantial property damages''—does not authorize it to require reports when all three consequences are absent.

The CSB welcomes comments with respect to the proposed definition of ''substantial property damages.'' Based on additional comment and information, the CSB may revise the dollar threshold in its definition to a level below $1,000,000.

§ 1604.3 Reporting an Accidental Release

Section 1604.3 establishes what constitutes a reportable accidental release, and a deadline of four hours for reporting such an accidental release directly to the CSB. This section also provides for two alternatives for reporting an accidental release in attempt to avoid duplicative reporting.

Avoiding Duplication

In its ANPRM, the CSB asked for comments on the following questions: ''Should an initial report be made to the CSB or the National Response Center?'' The CSB received a number of comments that suggested that reports be submitted to the National Response Center (NRC) in order to avoid duplicative reporting. The CSB has long sought to avoid duplicative reporting requirements by arguing that it had alternative methods for collecting the same information even in the absence of a rule. For this reason, the CSB understands the concerns expressed about additional reporting requirements.

In developing this proposed rule, the CSB also considered whether accidents reported to the NRC under other laws could satisfy the CSB's reporting rule. CSB considered information provided in reports it already receives from the NRC, and reviewed its own incident database to determine how many reports in the database, on average, are based on reports the CSB receives from the NRC.

The CSB has determined that there is no simple method to ensure that reports filed with NRC under other laws would satisfy the requirements of a CSB reporting rule. The NRC collects information based on the type of event (*i.e.,* storage tank accidents), not specific laws. Accordingly, there is no certain way to determine whether information reported to the NRC under a certain law will also satisfy CSB requirements. Some laws may seem to overlap with CSB's requirements but include certain exceptions, *i.e.,* threshold quantities. Under such laws, if the accidental release does not meet the threshold quantity, no report will be made to the NRC.

However, in conferring with NRC, CSB was able to determine that reports under 40 CFR 302.6 (although not labeled as such) could be reliably identified via a modified search algorithm. Accordingly, if an owner/operator knows that it has submitted a report to NRC under 40 CFR 302.6, the owner/operator is not required to file a separate report with the CSB. Rather, the owner/operator is simply required to notify the CSB of the pertinent NRC identification number. The CSB would then use this number to ensure that its search algorithm is capturing all pertinent accidental releases reported to the NRC.

This approach is consistent with the CSB's legislative history, which provides in pertinent part, that the CSB's ''reporting requirements may be coordinated with other reporting requirements established by the Agency [EPA] (for instance, under section 103 of CERCLA).'' S. Rep. No. 101–228 at 236 (1989), reprinted in 1990 U.S.C.C.A.N. 3385, 3620.

Moreover, the CSB's legislative history provides:

> The regulations of the Board for accident reporting may provide that any person directed to make a report contact the National Response Center rather than the Board directly. This will assure coordination of such reports with responsibilities under

[16] CSB understands that FEMA has defined the phrase ''substantial damage'' as ''damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.'' 44 CFR 209.2. However, the CSB determined that this definition was too narrow (property damage limited to structure) and would be less easy to apply than an estimate of monetary damage.

the Comprehensive Environmental Response, Compensation and Liability Act, the Clean Water Act and the Hazardous Materials Transportation Act. If the National Response Center is to be the initial point of contact under such rules, then the Board shall assure that officials at the National Response Center promptly notify the Board or its officers whenever an accidental release requiring an investigation has occurred.

Id.

Reports to CSB

Other than reports submitted to the NRC under 40 CFR 302.6, the proposed rule requires that a report be made to the CSB directly. According to CSB estimates, the proposed rule will require approximately 200 reports per year. However, the total number made to CSB should be fewer because some reports made to NRC under 40 CFR 302.6 will satisfy the CSB's requirements. In any event, compliance by telephone, or by filing a report directly with the CSB (through completion of a form), should not be a complicated or time-consuming matter.

Reporting Deadline

In its ANPRM, the CSB asked for comments on the following question: ''How soon after an accident should reporting occur?'' The CSB received a range of comments. These comments suggested a reporting deadline of between two and twenty-four hours. The proposed rule includes a four-hour deadline.

In response to the 2009 ANPRM, the American Society of Safety Professionals commented, ''a minimum of three hours is needed for a site's emergency response priorities and any extenuating circumstances to be handled.'' The CSB understands that the first several hours following an accidental release require a focus on emergency response actions. Accordingly, the CSB decided against an ''immediate report'' or one within an hour or two of an accidental release.

At the same time, the CSB needs to make deployment decisions as quickly as possible so that investigators can arrive at the accident site within the first 24 hours after the accidental release. CSB has learned from experience that it is often crucial to begin an investigation within this timeframe to examine physical evidence before it is disturbed, and to interview witnesses while the facts and circumstances are still fresh.

In order to achieve this goal, the CSB determined that the proposed rule should require notification that would allow the CSB sufficient time to receive a report, analyze preliminary information, make a deployment determination, and deploy investigators to the site of the accidental release within 24 hours. The proposed four-hour deadline should be sufficient for the CSB to achieve its deployment goal while not interfering with immediate emergency response activities.

Revisions to Report

In response to the 2009 ANPRM, the American Chemistry Council's comment suggested that the CSB's reporting rule include a provision for a reporting party to correct unintentionally incorrect information within a reasonable period of time following an accidental release. The CSB agrees with this comment, and the proposed rule includes a provision that allows an owner/operator to file any revision or update to an initial report submitted either to the CSB or to the NRC. The proposed rule is not intended to create a trap for any owner/operator submitting a report on short notice based on the best available information.

§ 1604.4 Information Required in an Accidental Release Report

Section 1604.4 details the information that must be submitted by an owner/operator in a report. The information required is consistent with information that the CSB has collected for years from various public sources, and has attempted to verify through public information channels, or through phone calls or email exchanges with the representatives of an owner/operator in the immediate aftermath of an accidental release. This approach has not always been ideal for either the CSB or an owner/operator because CSB must make multiple phone calls or send multiple emails to an owner/operator over a period of hours and days. In this section, the CSB has attempted to balance its need for prompt information with the desirable goal of obtaining as much pertinent information as possible.

As reflected in the purpose of the rule (1604.1), the CSB has determined that the prompt reporting of basic information is its highest priority. While additional, detailed information is desirable, the CSB concluded that it would need to extend the reporting deadline if it added additional information requirements beyond those set out in the proposed rule. Some additional requirements would arguably require additional hours, or even days, for compliance. At some point, the primary purpose of the rule—prompt notification of an accidental release—would be undermined by the quest for more information.

The CSB has also considered the need of an owner/operator to focus on numerous matters in the immediate aftermath of accidental release. Accordingly, the proposed accidental release reports will require only information that is already known or should be available to an owner/operator soon after an accidental release. The required information is also limited in scope to critical information required for the CSB to make informed decisions about its jurisdiction, interagency coordination, and deployment decision-making. For example, paragraphs (a)–(e) require only minimal contact information and a basic description of the accidental release. Paragraph (g) requests the relevant CAS Registry Number associated with the chemical(s) involved in the accidental release.[17] The CAS information will help the CSB in making informed decisions about deploying investigators and initiating an investigation. Paragraphs (h), (i), (j), and (l)(1)–(3) include an important qualifier, ''if known.'' This qualifier recognizes that some or all of this information may not be known within four hours of an accidental release.

Paragraph (k) asks the owner/operator to provide an estimate of ''property damage at or outside the stationary source.'' The owner is required to make an estimate only, not report an exact figure, or to state whether or not the amount of property damage meets or exceeds the definition for ''substantial property damages.'' There will be certain instances when an owner or operator may need to assess whether a report is required at all by reference to the definition of ''substantial property damages.'' However, for purposes of including a number in the report, the owner/operator may simply include the best available estimate, regardless of whether the amount falls above or below the threshold for reporting. The CSB also anticipates that the number of reports required to be submitted solely because of the ''substantial property damages'' criterion should be rather limited.

§ 1604.5 Failure to Report an Accidental Release

Paragraphs (a) and (b) of § 1604.5 implement the enforcement provisions authorized by 42 U.S.C. 7412(r)(6)(O).

[17] A CAS Registry Number is assigned by an organization called CAS (a division of the American Chemical Society). See *https://www.cas.org/support/documentation/chemical-substances/faqs#2*. It is a unique numberic identifier that is well known to the companies who produce, handle, or ship chemicals and will require minimal effort to include in a report.

For one year following the effective date of the rule, the CSB will refrain from referring violations for enforcement, unless there is a knowing failure to report. This policy is required to allow adequate time for compliance education.

The CSB is confident that most significant matters will come to its attention through its ongoing surveillance of accident activity. For one year following the effective date of the rule, the CSB will contact any owner/operator who it believes should have filed a report. If a report is filed immediately following notification, the CSB will not refer the failure to report under § 1604.5.

A significant number of accidental releases are concentrated within certain industries. The CSB anticipates that firms within these sectors will be the focus of initial compliance education outreach. The remainder of accidental releases occur in a range of other sectors. The CSB anticipates that additional time may be required to adequately educate all sectors. If appropriate, the CSB will extend the grace period for such sectors.

Similarly, accidents involving small facilities with few employees require special consideration.

In some cases, the owner/operator may not be able to report an accidental release within four hours, especially if ongoing response activities require attention. The CSB has encountered such cases in the past and has worked with owners and operators to factor in such exceptional circumstances. The grace period described above will resolve such issues in a reasonable fashion for at least one year following the date of adoption. The CSB will consider a longer-term approach to these unique situations and propose appropriate compliance guidance and/or amendments to any final rule before the grace period has expired.

The CSB intends to issue compliance guidance periodically, and welcomes comments that address unusual circumstances. For example, the CSB is interested in comments on what exceptions should be made for owner/operators with small operations and few employees.

§ 1604.6 Public Availability of Accidental Release Records

This section is included to clarify that the procedure for seeking records obtained pursuant to the rule is governed by the Freedom of Information Act, 5 U.S.C. 552, (FOIA), the CSB's procedural regulations for disclosure of records under the FOIA, 40 CFR part 1601, and any other pertinent Federal disclosure laws.

Neither 42 U.S.C. 7612(r)(6)(C)(iii) nor 42 U.S.C. 7612(r)(6)(Q),[18] alone or in combination, authorize the immediate disclosure of accidental release record information apart from the requirements of FOIA. Importantly, neither of those two provisions, alone or in combination, authorize the immediate disclosure of accidental release report information in order to support emergency response and public safety operations. Such a reading would potentially conflict with the implementation of other existing public information and safety laws, such as EPCRA (see section 303), which are directly focused on emergency response, the protection of public health and safety, and the public release of information to mitigate risks to the public.

List of Subjects in 40 CFR Part 1604

Hazardous substances, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Chemical Safety and Hazard Investigation Board proposes to add 40 CFR part 1604 to read as follows:

PART 1604—REPORTING OF ACCIDENTAL RELEASES

Sec.

1604.1 Purpose.
1604.2 Definitions.
1604.3 Reporting an accidental release.
1604.4 Information required in an accidental release report submitted to the CSB.
1604.5 Failure to report an accidental release.
1604.6 Public availability of accidental release records.

Authority: 42 U.S.C. 7412(r)(6)(C)(iii); 42 U.S.C. 7412(r)(6)(N)

§ 1604.1 Purpose.

The enabling legislation of the Chemical Safety and Hazard Investigation Board (CSB) provides that the CSB shall establish requirements binding on persons for reporting accidental releases into the ambient air subject to the Board's investigative jurisdiction. 42 U.S.C. 7412(r)(6)(C)(iii). This part establishes the rule required by the enabling legislation. The purpose of this part is to require prompt notification of any accidental release within the CSB's investigatory jurisdiction.

§ 1604.2 Definitions.

Accidental release means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

Ambient air means any portion of the atmosphere inside or outside a stationary source.

Extremely hazardous substance means any substance which may cause death, serious injury, or substantial property damages, including but not limited to, any ''regulated substance'' at or below any threshold quantity set by the Environmental Protection Agency (EPA) Administrator under 42 U.S.C. 7412(r)(5).

General public means any person except for:

(1) Workers, employees or contractors working for (or on behalf of) the owner or operator of a stationary source from which an accidental release has occurred; and

(2) Any person acting in the capacity of an emergency responder to an accidental release from a stationary source.

Owner or operator means any person or entity who owns, leases, operates, controls, or supervises a stationary source.

Property damage means damage to or the destruction of tangible public or private property, including loss of use of that property.

Regulated substance means any substance listed pursuant to the authority of 42 U.S.C. 7412(r)(3).

Serious injury means any injury if it results in any of the following:

(1) Death; one or more days away from work; restricted work or transfer to another job; medical treatment beyond first aid; loss of consciousness; or

(2) Any injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Stationary source means any buildings, structures, equipment, installations, or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

Substantial property damages means estimated property damage at or outside the stationary source equal to or greater than $1,000,000.

§ 1604.3 Reporting an accidental release.

(a) The owner or operator of a stationary source must report in accordance with paragraph (b) or (c) of

[18] CSB does not interpret subsection Q as in any manner amending the FOIA.

this section, any accidental release resulting in a fatality, serious injury or substantial property damages.

(b) If the owner or operator has submitted a report to the National Response Center (NRC) pursuant to 40 CFR 302.6, the CSB reporting requirement may be satisfied by submitting the NRC identification number to the CSB immediately following submission of the report to the NRC.

(c) If the owner or operator has not submitted a report to the NRC and notified the CSB under paragraph (b) of this section, the owner/operator must submit a report directly to the CSB within four hours of the accidental release and must include the required information listed in § 1604.4. A report may be made by email to: *report@csb.gov,* or by telephone at 202–261–7600.

(d) Notwithstanding paragraphs (a) through (c) of this section, an owner or operator of a stationary source, without penalty, may revise and/or update information reported to the NRC or CSB by sending a notification with revisions by email to: *report@csb.gov,* or by correspondence to: Chemical Safety Board (CSB), 1750 Pennsylvania Ave. NW, Suite 910, Washington, DC 20006, within 30 days following the submission of a report to the NRC or CSB. If applicable, the notification must reference the original NRC identification number. No update or revisions should be sent to the NRC.

§ 1604.4 Information required in an accidental release report submitted to the CSB.

The report required under § 1604.3(c) must include the following information regarding an accidental release as applicable:

(a) The name of, and contact information for, the owner/operator;

(b) The name of, and contact information for, the person making the report;

(c) The location information and facility identifier;

(d) The approximate time of the accidental release;

(e) A brief description of the accidental release;

(f) An indication whether one or more of the following has occurred:

(1) Fire;

(2) Explosion;

(3) Death;

(4) Serious injury; or

(5) Property damage;

(g) The name of the material(s) involved in the accidental release, the Chemical Abstract Service (CAS) number(s), or other appropriate identifiers;

(h) If known, the amount of the release;

(i) If known, the number of fatalities;

(j) If known, the number of serious injuries;

(k) Estimated property damage at or outside the stationary source;

(l) Whether the accidental release has resulted in an evacuation order impacting members of the general public and others, and, if known:

(1) The number of people evacuated;

(2) Approximate radius of the evacuation zone; and

(3) The type of individuals subject to the evacuation order (*i.e.,* employees, members of the general public, or both).

§ 1604.5 Failure to report an accidental release.

(a) It is unlawful for any person to fail to make reports required under this part, and suspected violations of this part will be forwarded to the Administrator of the EPA for appropriate enforcement action.

(b) Violation of this part is subject to enforcement pursuant to the authorities of 42 U.S.C. 7413 and 42 U.S.C. 7414, which may include—

(1) Administrative penalties;

(2) Civil action; or

(3) Criminal action.

§ 1604.6 Public availability of accidental release records.

Accidental release records collected by the CSB under this rule may be obtained by making a request in accordance with 40 CFR part 1601, the CSB's procedures for the disclosure of records under the Freedom of Information Act. The CSB will process, and if appropriate, disclose such records, only in accordance with 40 CFR part 1601 and relevant Federal information disclosure laws.

Dated: December 4, 2019.

Thomas A. Goonan,

General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2019–26495 Filed 12–11–19; 8:45 am]

BILLING CODE 6350–01–P

Notices

Federal Register
Vol. 84, No. 239
Thursday, December 12, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2019–0026]

Notice of Request for a New Information Collection: Focus Group Research to Inform Consumer Food Safety Education and Outreach

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to conduct focus groups with consumers to provide information to inform consumer education outreach efforts related to disseminating information to consumers about recalls and outbreaks and the labeling of meat and poultry products. This is a new information collection with an estimated burden of 411 hours.

DATES: Submit comments on or before February 10, 2020.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2019–0026. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202)720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Focus Group Research to Inform Consumer Food Safety Education and Outreach Efforts.

OMB Control Number: 0583–XXXX.

Type of Request: Request for a new information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). This statute mandates that FSIS protect the public by verifying that meat products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS's Office of Public Affairs and Consumer Education (OPACE) develops consumer education programs concerning the safe handling, preparation, and storage of meat, poultry, and processed egg products to improve consumer food handling behaviors and minimize the incidence of foodborne illness. OPACE shares its food safety messages through the *Food Safe Families* campaign (a cooperative effort of USDA, the Food and Drug Administration [FDA], and the Centers for Disease Control and Prevention [CDC]); social media; Ask USDA (an online database of frequently asked food safety questions); the FSIS website; *FoodSafety.gov* (the cross-federal website operated by FSIS, FDA, and CDC used to promote safe food handling to consumers); the Meat and Poultry Hotline; and various publications, media releases, blogs and events. These messages are focused on the four core food safety behaviors: Clean, Separate, Cook, and Chill.

To collect information to inform OPACE's consumer education and outreach efforts, FSIS is requesting approval for a new information collection to conduct consumer focus groups. Focus group research is particularly useful in studies such as this one, because the research is exploratory in nature. This is a new information collection with an estimated burden of 411 hours.

FSIS plans to conduct two sets of focus groups on different topics: (1) Consumer understanding and response to FSIS Recall Notices and Public Health Alerts and (2) consumer understanding and use of manufacturer cooking instructions on ready-to-eat (RTE) and not-ready-to-eat (NRTE) meat and poultry products. FSIS has contracted with RTI International to conduct the two sets of focus groups. The focus group research will address Objective 1.2.3 of the FSIS Fiscal Years 2017–2021 Strategic Plan (*https://www.fsis.usda.gov/wps/wcm/connect/317d14d6-1759-448e-941a-de3cbff289e5/Strategic-Plan-2017-2021.pdf?MOD=AJPERES*), which is to ''increase public awareness of recalls, foodborne illness, and safe food handling practices.''

For the first focus group topic, consumer understanding and response to USDA Recall Notices and Public Health Alerts, the findings will help FSIS learn how consumers understand and respond to FSIS recall notices and public health alerts and provide information to inform possible modifications to USDA's procedures for communicating information to consumers on recalls and outbreaks. RTI International will conduct two focus groups in each of four locations for a total of eight groups. To increase the homogeneity of the groups, the groups will be segmented by education level (four groups with a high school education or less and four groups with some college or a college degree) and age (four groups with people aged 18–35 years and four groups with people aged 36 and older).

For the second focus group topic, consumer understanding and use of manufacturer cooking instructions on RTE and NRTE meat and poultry

products, the findings will help FSIS better understand how consumers use manufacturer cooking instructions to prepare RTE and NRTE meat and poultry products. FSIS can use this information to assess whether revisions to FSIS-mandated labeling features are needed to ensure that consumers safely handle and prepare RTE and NRTE meat and poultry products. RTI International will conduct two focus groups in each of four locations for a total of eight groups. To increase the homogeneity of the groups, the groups will be segmented by education level (four groups with a high school education or less and four groups with some college or a college degree) and age (four groups with people aged 18–35 years and four groups with people aged 36 and older).

For each set of focus groups, a local market research company in each location will recruit potential participants from their databases and other sources. They will also provide the facilities for hosting the focus group discussions. Using convenience sampling, a nonprobability sampling technique where subjects are selected because of their convenient accessibility instead of random selection, the market research companies will recruit potential participants who meet the eligibility criteria as defined by the screening questionnaires.

An experienced moderator will conduct the focus group discussions and use a facilitator guide, which will serve as an outline and provide structure for the focus group discussions. Each focus group discussion will be professionally recorded (audio and video) by the local market research companies. The audio-recordings will be professionally transcribed. RTI International will prepare detailed summaries of each discussion and review the summaries to identify common themes and any exceptions to these themes.

RTI International will summarize these findings in a final report to FSIS. No statistical analyses will be conducted.

Estimate of Burden: For the two sets of focus groups (8 groups per set for a total of 16 groups), it is expected that 1,280 individuals will complete the screening questionnaire, and it is assumed that 160 will be eligible and subsequently agree to participate in the focus group study (10 people per group). Each screening questionnaire is expected to take 8 minutes (0.133 hour). Taking part in the focus group discussion will take a total of 90 minutes (1.5 hours). The estimated annual reporting burden for the two sets of focus groups is 410.24 hours, which is the sum of the burden estimates for the screening and focus group discussion.

ESTIMATED ANNUAL REPORTING BURDEN FOR THE FOCUS GROUP STUDY

Study component	Estimated number of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Screening questionnaire	1,280	1	1,280	0.133 (8 min.)	170.66
Focus group discussion	160	1	160	1.5 (90 min.)	240
Total					410.66

Respondents: Consumers.

Estimated Number of Respondents: 1,280.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Burden on Respondents: 411 hours.

Copies of this information of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Carmen M. Rottenberg,

Administrator.

[FR Doc. 2019–26694 Filed 12–11–19; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket: USDA–2017–0002–0001]

ReConnect Pilot Program

AGENCY: Rural Utilities Service, Department of Agriculture.

ACTION: Funding Opportunity Announcement (FOA) and solicitation of applications for second round of the ReConnect Program.

SUMMARY: The Rural Utilities Service (RUS), a Rural Development agency of the United States Department of Agriculture (USDA), hereinafter referred to as the Agency, announces its general policy and application procedures for its second round of funding under the broadband pilot program. This pilot program was established pursuant to the Consolidated Appropriations Act, 2018. The Agency is announcing the application window for this second round of funding and requesting comments on the program.

DATES:

Applications: Beginning on January 31, 2020, applications can be submitted through the RUS on-line application portal until 6:00 p.m. Eastern on March 16, 2020.

Comments: Comments due by March 16, 2020.

ADDRESSES: *Application Submission:* Apply at *https://reconnect.usda.gov.* Electronic applications will allow for the expeditious review of an Applicant's proposal. As a result, all Applicants must file their application electronically at the above website.

Comments: For proper delivery, all feedback or comments should specify ''Identifying Regulatory Reform Initiatives.''

Electronic Submission. You may submit comments electronically through the Federal eRulemaking Portal: *http://www.regulations.gov* using Docket ID: *USDA–2017–0002–0001.* USDA strongly encourages commenters to submit comments electronically. Electronic submission of comments allows you maximum time to prepare and submit a comment and ensures timely receipt by USDA. Follow the instructions provided on that site to submit comments electronically.

Mail, Hand delivery, or Courier. Paper, disk, or CD–ROM submissions should be submitted to *regulations@obpa.usda.gov,* Office of Budget and Program Analysis, USDA, Jamie L. Whitten Building, Room 101–A, 1400 Independence Ave. SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: For general inquiries, contact Chad Parker, Assistant Administrator Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture (USDA), email: *chad.parker@usda.gov,* telephone (202) 720–9554. You may obtain additional information regarding applications at *https://reconnect.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 23, 2018, Congress passed the Consolidated Appropriations Act, 2018 (the Act), which established a new broadband loan and grant pilot program, now called the Rural eConnectivity Pilot Program (ReConnect Program). The Act originally appropriated budget authority of $600 million to be used on an expedited basis. For fiscal year (FY) 2019, Congress funded an additional $550 million for the pilot. The ReConnect Program provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of broadband services and infrastructure, the pilot will fuel long-term rural economic development and opportunities in rural America. One of those opportunities is precision agriculture. The use of this technology requires a robust broadband connection. The awards made under this program will bring high speed broadband to the farms which will allow them to increase productivity.

Applications

Please note that the application process is designed so that an applicant must demonstrate financial and technical feasibility of the project and the entire operation of the applicant. Applicants that do not demonstrate financial or technical feasibility will not be considered for an award.

Apply at *https://reconnect.usda.gov* from January 31, 2020, until 6:00 p.m. Eastern on March 16, 2020. Electronic applications will allow for the expeditious review of an Applicant's proposal. As a result, all Applicants must file their application electronically at the above website.

Comments

For the first round of funding, the United States Department of Agriculture (USDA) determined that it was in the public interest to move forward with developing procedures for the ReConnect Program within a Funding Opportunity Announcement (FOA), as is common with a pilot, instead of rulemaking. Such a method would also meet the statutory mandate of expediting program delivery. Notwithstanding the lack of rulemaking, however, before USDA finalized and published the FOA, it requested informal comments from the public on a wide range of issues to be considered by the agency in the ReConnect Program. *See* Notice of Inquiry and Request for Comments, 83 FR 35609 (July 27, 2018). Once the FOA was published, the application windows were open between April 23, 2019 and July 12, 2019.

Thereafter, the Agency received input from applicants that participated in the first funding round on issues which included, but were not limited to: (1) The availability of data; (2) frequency of collection; (3) clarity of instructions; (4) data elements to be recorded, disclosed, or reported; (5) access to forms; and (6) accessibility for troubleshooting. Based on that input, the Agency made further changes to the program, which are discussed below.

Additionally, with this FOA, the agency is now requesting that the public again provide feedback on the program, as was done with the July 27th Notice of Inquiry. Specifically, the public is requested to submit comments that would inform any future rounds of ReConnect funding, if any, or comments on issues that should be addressed in any future broadband program. Additionally, and consistent with the Department's Regulatory Reform Initiatives, the public is requested to submit comments related to program

implementation, suggestions on decreasing the public burden, etc., through the USDA request for information published on July 17, 2017 (82 FR 32649). See **ADDRESSES** for information about how to comment.

Authority: This solicitation is issued pursuant to the Consolidated Appropriations Act, 2018, Public Law 115–141, the Consolidated Appropriations Act, 2019, Public Law 116–6, and the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*

Overview

Federal Agency: Rural Utilities Service, USDA.

Funding Opportunity Title: Rural eConnectivity Pilot Program (ReConnect Program).

Announcement Type: Funding Opportunity Announcement (FOA) and solicitation of applications.

Catalog of Federal Domestic Assistance (CFDA) Number: Rural eConnectivity Pilot Program (ReConnect Program)—10.752.

Items in Supplementary Information

I. Overview
II. Summary of Changes
III. Definitions
IV. Substantially Underserved Trust Areas
V. Funding Opportunity Description
VI. Eligibility Information
VII. Application and Submission Information
VIII. Application Evaluation Criteria
IX. Notice of Proposed Funded Service Areas
X. Evaluation and Processing Procedures
XI. Award Administration Information
XII. Other Information

I. Overview

On March 23, 2018, Congress passed the Consolidated Appropriations Act, 2018 (the FY2018 Appropriations), which established a broadband loan and grant pilot program, the Rural eConnectivity Pilot Program (hereinafter the ReConnect Program). One of the essential goals of the ReConnect Program is to expand broadband service to rural areas without sufficient access to broadband, defined as 10 megabits per second (Mbps) downstream and 1 Mbps upstream. For this purpose, Congress provided RUS with $600 million and expanded its existing authority to make loans and grants. Additionally, the FY2018 Appropriations specifically authorized technical assistance to assist the Agency in expanding needed service to the most rural communities where 90 percent of the households are without sufficient access to broadband service. Once again, on January 3, 2019, Congress appropriated (the FY2019 Appropriations) an additional $550 million to continue the ReConnect Program. To promote broadband in rural America, RUS encourages state and local jurisdictions to waive any fees associated with granting rights-of-ways and to assist applicants and awardees with satisfying any environmental requirements such as approval from the State Historical Preservation Office.

II. Summary of Changes

The first funding round of the Reconnect Program is considered a success with the Agency receiving one hundred and forty-six (146) submitted applications for a total of over $1.4 billion. After a careful review of the lessons learned during the first round of funding, several changes are being instituted for second funding round. Those changes include, but are not limited to, the following:

1. The application window for the three categories of funding will be from January 31, 2020 through March 16, 2020.

2. Definitions have been added for healthcare and educational facilities and the name for critical community facilities has been changed to essential community facilities.

3. For 100 percent grants, 90 percent of the proposed funded service area cannot have sufficient access to broadband, as opposed to 100 percent under round one.

4. The requirement for two years of unqualified, comparative, audited financial statements has been changed to unqualified, comparative, audited financial statements for the previous year from the date the application has been submitted.

5. The requirement that applicants must submit certifications from the appropriate state or tribal broadband office has been changed to a voluntary request.

6. Pre-application expenses that were incurred for round one, but benefit an application for round two, may be funded up to the 5 percent of the total award in round 2.

7. Under certain conditions a subsidiary can use the unqualified, comparative, audited statements to meet certain eligibility requirements.

8. The scoring criteria for farms has been changed. Applicants will receive 1 point for every 10 farms served up to a maximum of 20 points. Farms will be counted using 2017 Census of Agriculture data.

9. Tribal leaders can submit documentation supporting scoring points for the number of healthcare, educational and essential community facilities.

10. The time period incumbent service providers will be able to challenge if sufficient service is present in an applicant's proposed funded service area is being increased from 30 days to 45 days.

III. Definitions

The terms and conditions provided in this FOA are applicable to and for purposes of this FOA only. Unless otherwise provided in the award documents, all financial terms not defined herein shall have the meaning as defined by Generally Accepted Accounting Principles.

Administrator means the RUS Administrator, or the Administrator's designee.

Applicant means an entity requesting funding under this FOA.

Application means the Applicant's request for federal funding, which may be approved in whole or part by RUS.

Award documents mean, as applicable, all associated grant agreements, loan agreements, or loan/grant agreements.

Award means a grant, loan, or loan/grant combination made under this FOA.

Awardee means a grantee, borrower, or borrower/grantee that has applied and been awarded federal assistance under this FOA.

Broadband loan means, for purposes of this FOA, a loan that has been approved or is currently under review by RUS after the beginning of Fiscal Year 2000 in the Telecommunications Infrastructure Program, Farm Bill Broadband Program, Broadband Initiatives Program or the ReConnect Program. Loans that were approved and then subsequently fully de-obligated are not included in this definition.

Broadband service means any technology as having the capacity to transmit data to enable a subscriber to the service to originate and receive high quality voice, data, graphics and video.

Business means a commercial or mercantile activity engaged in as a means of livelihood. For purposes of this FOA, farms will not be counted as businesses for scoring purposes.

CALEA means the Communications Assistance for Law Enforcement Act, 47 U.S.C. 1001 *et seq.*

Composite economic life means the weighted (by dollar amount of each class of facility) average economic life of all classes of facilities necessary to complete construction of the broadband facilities in the proposed funded service area.

Current ratio means the current assets divided by the current liabilities.

Debt service coverage ratio (DSCR) means (Total Net Income or Margins + Interest Expense Allowance for Funds

Used during Construction + Depreciation + Amortization)/(Interest on Funded Debt + Other Interest + Principal Payment on Debt and Capital Leases).

Economic life means the estimated useful service life of an asset as determined by RUS.

Educational facilities mean any public or private educational institution that offers a program of college, professional, preparatory, high school, middle school, junior high school, elementary, or kindergarten instruction, or any combination of those facilities. Daycare centers, museums, and libraries are also included.

Eligible service area means any proposed funded service area where 90 percent of the households to be served do not have sufficient access to broadband. For eligibility purposes, if an applicant is applying for multiple proposed funded service areas, each service area will be evaluated on a stand-alone basis.

Essential community facilities means public facilities that provide community services essential for supporting the safety, health, and well-being of residents, including, but not limited to, emergency response and other public safety activities.

Equity means total assets minus total liabilities as reflected on the Applicant's balance sheet.

Farm means any place from which $1,000 or more of agricultural products were sold or would normally be sold during the year.

Forecast period means the five-year period of projections in an application, which shall be used by RUS to determine financial and technical feasibility of the application.

GAAP means accounting principles generally accepted in the United States of America.

Grant means any federal assistance in the form of a grant made under this FOA.

Grant agreement means the grant contract and security agreement between RUS and the Awardee securing the Grant awarded under this FOA, including any amendments thereto, available for review at *https://reconnect.usda.gov.*

Healthcare facilities means any facility where healthcare is provided, including but not limited to, clinics, hospitals, nursing homes, pharmacies, and urgent care facilities.

Loan means any federal assistance in the form of a loan made under this FOA.

Loan agreement means the loan contract and security agreement between RUS and the Awardee securing the Loan, including all amendments thereto, available for review at *https://reconnect.usda.gov.*

Loan/grant means any federal assistance in the form of a loan/grant combination made under this FOA.

Loan/grant agreement means the loan/grant contract and security agreement between RUS and the Awardee securing the Loan/grant, including all amendments thereto available at *https://reconnect.usda.gov.*

Non-funded service area means any area in which the applicant offers broadband service or intends to offer broadband service during the forecast period but is not a part of its proposed funded service area.

Pre-application expenses means any reasonable expenses, as determined by RUS, incurred after the release of this FOA to prepare an Application or to respond to RUS inquiries about the Application.

Premises means households, farms and businesses.

Project means all of the work to be performed to bring broadband service to all premises in the proposed funded service area under the Application, including construction, the purchase and installation of equipment, and professional services including engineering and accountant/consultant fees, whether funded by federal assistance, matching, or other funds.

Proposed funded service area (PFSA) means the area (whether all or part of an existing or new service area) where the applicant is requesting funds to provide broadband service. Multiple service areas will be treated as separate standalone service areas for the purpose of determining how much of the proposed funded service area does not have sufficient access to broadband. Each service area must meet the minimum requirements for the appropriate funding category to be an eligible area.

RE Act means the ''Rural Electrification Act of 1936,'' as amended (7 U.S.C. 901 *et seq.*).

Rural area means any area which is not located within: (1) A city, town, or incorporated area that has a population of greater than 20,000 inhabitants; or (2) an urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants.

RUS Accounting Requirements shall mean compliance with U.S. GAAP, acceptable to RUS, the system of accounting prescribed by RUS Bulletin 1770B–1, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, found at 2 CFR part 200. For all Awardees the term ''grant recipient'' in 2 CFR 200 shall also be read to encompass ''loan recipient'' and ''loan/grant recipient'', such that 2 CFR 200 shall be applicable to all Awardees under this FOA.

Sufficient access to broadband means any rural area in which household have fixed, terrestrial broadband service delivering at least 10 Mbps downstream and 1 Mbps upstream. Mobile and satellite services will not be considered in making the determination of sufficient access to broadband.

Tangible equity means a measure of a company's capital, which is used by financial institutions to evaluate potential losses by eliminating intangible assets, goodwill and preferred stock from total equity.

Tangible equity to total assets means tangible equity divided by total assets.

Times interest earned ratio (TIER) means (Total Net Income or Margins + Total Interest − Expense Allowance for Funds Used during Construction) divided by (Total Interest − Expense Allowance for Funds Used during Construction).

IV. Substantially Underserved Trust Areas

A. Community Designation of ''Substantially Underserved Trust Area''

If the Administrator determines that a community within ''trust land'' (as defined in 38 U.S.C. 3765) has a high need for the benefits of the ReConnect Program, the Administrator may designate the community as a ''substantially underserved trust area'' (as defined in section 306F of the RE Act).

B. Consideration as a ''Substantially Underserved Trust Area''

To receive consideration as a substantially underserved trust area, the applicant must submit to the Agency a completed application that includes all of the information requested in 7 CFR part 1700, subpart D. In addition, the application must identify the discretionary authorities within subpart D that it seeks to have applied to its application. Note, however, that given the prohibition on funding operating expenses in the ReConnect Program, requests for waiver of the equity requirements cannot be considered. In addition, due to the statutory requirements that established the ReConnect Program, waiver of the nonduplication requirements also cannot be considered.

V. Funding Opportunity Descriptions

A. Funding Categories

1. General

For the purposes of this FOA, 90 percent of the proposed funded service area must not have sufficient access to broadband. Applicants must propose to build a network that is capable of providing service to every premise located in the proposed funded service area at the time the application is submitted at a speed of 25 Mbps downstream and 3 Mbps upstream. The Agency reserves the right to make funding offers or seek consultations to resolve partially overlapping applications. RUS may contact the applicant for additional information during the review process. If additional information is requested, the applicant will have up to 30 calendar days to submit the information. If such information is not timely submitted, RUS may reject the application. Once all funds for a category have been expended for the ReConnect program, all remaining applications will be returned.

2. 100 Percent Loan

Applications will be processed and awarded on a rolling basis. In the event two loan applications are received for the same proposed funded service area the application submitted first will be considered first. The interest rate for a 100 percent loan will be set at a fixed 2 percent. Tangible equity to total assets must be at least 20 percent at the end of the calendar year starting in the third year of the forecast period through the remainder of the forecast period.

3. 50 Percent Loan/50 Percent Grant Combination

The interest rate for the 50 percent loan component will be set at the Treasury rate for the remaining amortization period at the time of each advance of funds. Applicants may propose substituting cash for the loan component at the time of application and funds must be deposited into the construction fund account at the closing of the award. All eligible applications will be scored and, subject to Section V(C)(5)(b)(i) (overlapping applications), applications with the highest score will receive an award offer until all funds are expended for this category.

4. 100 Percent Grant

Applicants must provide a matching contribution equal to 25 percent of the cost of the overall project and must clearly identify the source of the funds even if it is to be provided from the applicant's operating accounts. All matching funds must be deposited into the construction fund account at the closing of the award. If the matching funds are provided by a third party, a serious commitment from the third party must be submitted indicating that the funds will be available at the closing of the award if approved. The matching contribution can only be used for eligible purposes. All eligible applications will be scored, and subject to Section V(C)(5)(b)(i) (overlapping applications) applications with the highest score will receive an award offer until all funds are expended for this category.

B. Available Funds

1. General

Approximately $512,000,000 in funding has been set aside for funding opportunities under this FOA.

2. Funding Limits

Award amounts under this FOA will be limited as follows:

a. 100 Percent Loan. Up to $200,000,000 is available for loans. The maximum amount that can be requested in an application is $50,000,000.

b. 50 Percent Loan—50 Percent Grant. Up to $200,000,000 is available for loan/grant combinations. The maximum amount that can be requested in an application is $25,000,000 for the loan and $25,000,000 for the grant. Loan and grant amounts will always be equal.

c. 100 Percent Grant. Up to $200,000,000 is available for grants. The maximum amount that can be requested in an application is $25,000,000.

d. Reserve. Additional budget authority is available for a reserve, which may be used for loans or grants under this FOA or may be included in additional FOAs. The agency reserves the right to increase funding utilizing the application queue under this FOA should additional appropriations become available for the same purposes.

3. Repooling

RUS retains the discretion to divert funds from one funding category to another.

4. Award Period

Awards can be made until all funds have been expended in any given funding category. While the completion time will vary depending on the complexity of the project, award recipients must complete their projects within 5 years from the date funds are first made available.

5. Type of Funding Instrument

The funding instruments will be grants, loans, and loan/grant combinations.

VI. Eligibility Information

A. General

Applicants must satisfy the following eligibility requirements to qualify for funding.

B. Eligible Entities

The following entities are eligible to apply for assistance:

1. States, local governments, or any agency, subdivision, instrumentality, or political subdivision thereof;

2. A territory or possession of the United States;

3. An Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

4. Non-profit entities;

5. For-profit corporations;

6. Limited liability companies; and

7. Cooperative or mutual organizations.

Please note that individuals and legal partnerships are not eligible to apply. In addition, co-applicants are not eligible. If two entities would like to partner with each other in delivering broadband to areas without sufficient access, then one entity must take the lead on submitting an application. Inter-company agreements can be used to account for revenues and expenses on the applicant's financial projections.

C. Application Eligibility Factors

The following requirements must be met by all applications to be eligible for an award. Applications failing to comply with these requirements will be rejected.

1. Audited Financial Statement

Applicants must submit an unqualified, comparative, audited financial statement for the previous year from the date the application is submitted. If an application is submitted in the first quarter of the calendar year and the most recent yearend audit has not been completed, the applicant can submit the two previous unqualified audits that have been completed. If qualified audits containing a disclaimer or adverse opinion are submitted, the application will not be considered. An applicant can use the consolidated financials of the parent as long as the parent fully guarantees the loan, or in the case of a grant, guarantees that construction will be completed as approved in the application or will repay the grant to RUS.

2. Fully Completed Application

Applicants must submit a complete application and provide all supporting documentation required for the application.

3. Timely Buildout Completion

A project is eligible only if the application demonstrates that the project can be completely built out within 5 years from the date funds are first made available.

4. Technical Feasibility

Only projects that RUS determines to be technically feasible will be eligible for an award. Applicants will be required to submit a network design, network diagram, project costs and a buildout timeline, all certified by a professional engineer. The certification from the professional engineer must state that the proposed network can deliver broadband service at the required level of service to all premises in the proposed funded service area. If a certification is not submitted, the application may not be considered for funding.

5. Service Areas

a. Eligible Service Areas

(i) Applicants must propose to provide broadband service directly to all premises in the proposed funded service area that do not have sufficient access to broadband.

(ii) If any part of the applicant's proposed funded service area is ineligible, RUS, in its sole discretion, may request that an applicant modify its application, if RUS believes the modification is feasible. Otherwise, RUS will reject the application.

b. Ineligible Service Areas

(i) Overlapping Service Areas.

RUS will not fund more than one project that serves any one given geographic area. Invariably, however, applicants will propose service areas that overlap, varying from small *de minimus* areas of the territory, but which may be significant with respect to households involved, to larger areas of the service territory, but which may contain few households or businesses, if any. As a result, devising a procedure which will cover every overlap circumstance cannot be done. Nevertheless, it is the agency's intent to make as many eligible applications viable for consideration as possible. That may mean the agency may: (1) Determine the overlap to be so insignificant that no agency action is necessary; (2) request one or more applications to be revised to eliminate the overlapping territory; (3) choose one application over another given the amount of assistance requested, the number of awards already chosen in the area or State, or the need for the project in the specific area due to other factors; or (4) simply choose the project that scores higher or in the judgement of the agency is more financially feasible.

ii. Prior Funded Service Areas.

(A) RUS Broadband Loans. Service areas of borrowers that have RUS broadband loans, as defined in this FOA, are ineligible for all other applicants, and can be found at *https://reconnect.usda.gov.* However, RUS broadband borrowers that have built out their service areas consistent with their application and loan documents, but were not required to provide, and are currently not providing, sufficient access to broadband pursuant to this FOA are eligible to apply for funding for these service areas; provided that they have not defaulted on, and have materially complied with, in the sole discretion of RUS, their prior broadband loan requirements. Current RUS broadband borrowers that have received funding to provide sufficient access to broadband, but not yet built out their system are ineligible to apply.

(B) RUS Community Connect Grants. Service areas that received grants under the RUS Community Connect Grant Program are eligible if they do not have sufficient access to broadband, except for those grants still under construction. Service areas still under construction can be found at *https://reconnect.usda.gov.*

(C) RUS BIP Grants. Service areas that received a 100 percent grant under the RUS Broadband Initiatives Program (BIP) are eligible if they do not have sufficient access to broadband. However, if the applicant is the same BIP grantee, then the applicant may only request a 100 percent loan.

(D) State-funded Areas. Applicants are encouraged to work with the Governor's office for the states where they are proposing to provide broadband service and submit information detailing where state funding has been provided.

(E) Connect America Fund Phase II Auction—Auction 903 (CAF II). Funding for service areas of CAF II recipients can only be requested by the entity that is receiving the CAF II support, and such funding is limited to a 100% loan. The CAF II service areas can be found at *https://reconnect.usda.gov* and may also be found on the FCC web page.

(F) ReConnect Program Awards. Service areas of companies that received a ReConnect award in round one are not eligible for funding under this FOA.

6. Fully Funded

A project is eligible only if, all project costs can be fully funded or accounted for in the application. To demonstrate this, applications must include evidence of all funding, other than the RUS award, necessary to support the project, such as bank account statements, firm letters of commitment from equity participants, or outside loans, which must evidence the timely availability of funds. If outside loans are used, they may only be secured by assets other than those used for collateral under this FOA. Equity partners that are not specifically identified by name will not be considered in the financial analysis of the application. If the application states that other funds are required for the project in addition to the ReConnect funding requested, evidence must be included in the application identifying the source of funds and when the funds will be available. If the additional funding is not clearly identified, the application may not be considered for an award.

7. Financial Feasibility and Sustainability

Only projects that RUS determines to be financially feasible and sustainable will be eligible for an award under this FOA. A project is financially feasible when the applicant demonstrates to the satisfaction of RUS that it will be able to generate sufficient revenues to cover expenses; will have sufficient cash flow to service all debts and obligations as they come due; will have a positive ending cash balance as reflected on the cash flow statement for each year of the forecast period; and, by the end of the forecast period, will meet at least two of the following requirements: A minimum TIER requirement of 1.2, a minimum DSCR requirement of 1.2, and a minimum current ratio of 1.2. In addition, applicants must demonstrate positive cash flow from operations at the end of the forecast period.

If an applicant has no existing debt, is not proposing to borrow funds during the forecast period, and is applying only for grant funds, only the current ratio will be applied and not the TIER or DSCR. For this situation, applicants must meet the minimum current ratio requirement.

8. Service Requirements

Facilities funded with grant funds must provide broadband service proposed in the application for the composite economic life of the facilities, as approved by RUS, or as provided in

the Award Documents. This includes the grant assets that are funded with a 50 percent loan and 50 percent combination award. Facilities funded with loan funds must provide broadband service through the amortization period of the loan.

9. Application Transparency

a. Pre-Award Public Notice

To ensure transparency for the ReConnect Program, the Agency's mapping tool will include the following information from each application and be displayed for the public:

(i) The identity of the applicant;

(ii) the areas to be served;

(iii) the type of funding requested;

(iv) the status of the application;

(v) the number of households without sufficient access to broadband; and (vi) a list of the census blocks to be served.

b. Post-Award Public Notice

For all approved applications, the agency will post on its website: The name of the company receiving funding, the type of funding received, the location of the proposed funded service area and the purposes of the funding.

c. Post-Award Reporting

Awardees will be required to submit semi-annual reports for three years after the completion of construction on the following information:

(i) The number and location of residences and businesses that will receive service at or greater than the requirement for the appropriate funding category.

(ii) the types of facilities constructed and installed;

(iii) the speed of the data services being delivered;

(iv) the average price of the data services being delivered in each proposed service area; and

(v) the broadband adoption rate for each proposed service territory, including the number of new subscribers generated from the facilities funded. This information will be used to analyze the effectiveness of the funding provided and will allow the Agency to track adoption rates as new and improved broadband services are being provided.

D. Eligible Cost Purposes

1. General

Award and matching funds must be used only to pay for eligible costs incurred post award, except for approved pre-application expenses. Eligible costs must be consistent with the cost principles identified in 2 CFR 200, subpart E, Cost Principles. In addition, costs must be reasonable, allocable, and necessary to the project. Any application that proposes to use any portion of the award or matching funds for any ineligible costs may be rejected.

2. Eligible and Ineligible Costs

a. Eligible Award Costs

Award funds may be used to pay for the following costs:

(i) To fund the construction or improvement of facilities, including buildings and land, required to provide broadband service, including facilities required for providing other services over the same facilities, such as equipment required to comply with CALEA;

(ii) To fund reasonable preapplication expenses in an amount not to exceed five percent of the award. If an applicant applied for funding in round one, preapplication expenses may be eligible for reimbursement under this round of funding if these expenses support the round two application (*i.e.,* engineering design, market survey, subscriber projections, etc.). RUS reserves the sole right to accept or reject expenses associated with round one. Otherwise, preapplication expenses for round two may be reimbursed only if they are incurred after the publication date of this FOA, and properly documented. Preapplication expenses must be included in the first request for award funds and will be funded with either grant or loan funds. If the funding category applied for has a grant component, then grant funds will be used for this purpose;

(iii) To fund the acquisition of an existing system that does not currently provide sufficient access to broadband for upgrading that system to meet the requirements of this FOA. The cost of the acquisition is limited to 40 percent of the amount requested. Acquisitions can only be considered in the 100 percent loan category; and

(iv) To fund terrestrial-based facilities for satellite broadband service, provided the applicant clearly identifies the PFSA, demonstrates the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every premise in the PFSA, and offers subscribers reasonable service plans that do not cap bandwidth usage.

b. Ineligible Award Costs

Award funds may not be used for any of the following purposes:

(i) To fund operating expenses of the Awardee;

(ii) To fund costs incurred prior to the date on which the application was submitted, except for eligible pre-application expenses incurred prior to the date of the publication date of this FOA, or as otherwise identified in Section D(2)(a)(ii) above;

(iii) To fund an acquisition of an affiliate, or the purchase or acquisition of any facilities or equipment of an affiliate. Note that if affiliated transactions are contemplated in the application, approval of the application does not constitute approval to enter into affiliated transactions, nor acceptance of the affiliated arrangements that conflict with the obligations under the award documents;

(iv) To fund the acquisition of a system previously funded by RUS;

(v) To fund the purchase or lease of any vehicle other than those used primarily in construction or system improvements;

(vi) To fund broadband facilities leased under the terms of an operating lease or an indefeasible right of use (IRU) agreement;

(vii) To fund the merger or consolidation of entities;

(viii) To fund costs incurred in acquiring spectrum as part of an FCC auction or in a secondary market acquisition. Spectrum that is part of a system acquisition may be considered for loan funding;

(ix) To fund facilities that provide mobile services;

(x) To fund the acquisition of a system that is providing sufficient access to broadband;

(xi) To refinance outstanding debt; nor

(xii) To fund facilities not required to provide broadband service.

VII. Application and Submission Information

A. Online Application System

All applications under this FOA must be submitted through the RUS Online Application System located at *https://reconnect.usda.gov.* Additional information can be found in the Application Guidelines found at the above location. This website will be updated regularly.

B. Registration

1. General

Please note the process for requesting a DUNS Number and a cage code could be lengthy, and applicants should not wait until it is time to submit an application to obtain these. It is recommended applicants immediately start this process for these.

2. Dun and Bradstreet Universal Numbering System (DUNS) Number

All applicants must register for a DUNS number as part of the application. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Go to *http://fedgov.dnb.com/webform* for more information on assignment of a DUNS number or confirmation. DUNS numbers of parent or affiliated operations cannot be substituted for the applicant. If a DUNS number is not provided, the application cannot be considered for an award.

3. System for Award Management (SAM)

Prior to submitting an application, the applicant must also register in SAM at *https://www.sam.gov/portal/SAM/#1* and supply a Commercial and Government Entity (CAGE) Code number as part of the application. SAM registration must be active with current data at all times, from the application review throughout the active Federal award funding period. To maintain active SAM registration, the applicant must review and update the information in the SAM database annually from the date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete. If the CAGE Code of the applicant is not included in the application, the application will not be considered for an award.

C. Contents of the Application

Due to the complexities and the many scenarios that must be addressed, if multiple applications are submitted, applicants will be limited to ONE application for this FOA. A complete application will include the following information as requested in the RUS Online Application System:

1. General information on the applicant and the project including:

(a) A description of the project that will be made public consistent with the requirements herein and

(b) The estimated dollar amount of the funding request.

2. An executive summary of the proposed project.

This summary shall include, but not be limited to, a detailed description of existing operations, discussion about key management, description of the workforce, description of interactions between any parent, affiliated or subsidiary operation, a detailed description of the proposed project, and the source of the matching funds.

3. A description of the proposed funded service area including the number of premises passed.

4. Subscriber projections including the number of subscribers for broadband, video and voice services and any other service that may be offered; A description of the proposed service offerings, and the associated pricing plan that the applicant proposes to offer.

5. A map, utilizing the RUS mapping tool located at *https://reconnect.usda.gov* of the proposed funded service areas identifying the areas without sufficient access to broadband and any non-funded service areas of the applicant.

6. A description of the advertised prices of service offerings by competitors in the same area.

7. A network design which includes a description of the proposed technology used to deliver the broadband service demonstrating that all premises in the proposed funded service area can be offered broadband service, a network diagram, a buildout timeline and milestones for implementation of the project, and a capital investment schedule showing that the system can be built within 5 years, all of which must be certified by a professional engineer who is certified in at least one of the states where there is project construction. The certification from the professional engineer must clearly state that the proposed network can deliver the broadband service to all premises in the proposed funded service area at the minimum required service level. In addition, if the applicant is requesting the points for providing a 100 Mbps upstream and 100 Mbps downstream, the certification must also state that the proposed system is capable of delivering this service to all premises; a list of all required licenses and regulatory approvals needed for the proposed project and how much the applicant will rely on contractors or vendors to deploy the network facilities. Note that in preparing budget costs for equipment and materials, RUS' Buy American requirements apply.

8. Resumes of key management personnel, a description of the organization's readiness to manage a broadband services network, and an organizational chart showing all parent organizations and/or holding companies (including parents of parents, etc.), and all subsidiaries and affiliates.

9. A legal opinion that:

a. Addresses the applicant's ability to enter into the award documents;

b. describes all material pending litigation matters;

c. addresses the applicant's ability to pledge security as required by the award documents and

d. addresses the applicant's ability to provide broadband service under state or tribal law.

10. Summary and itemized budgets of the infrastructure costs of the proposed project, including if applicable, the ratio of loans to grants, and any other sources of outside funding. The summary must also detail the amount of matching funds and the source of these funds. If the matching funds are coming from a third partly, a commitment letter and support that the funds are available must also be submitted. Matching funds must be deposited into the RUS Construction Fund at the closing of the award.

11. A detailed description of working capital requirements and the source of these funds.

12. Historical financial statements for the last four years consisting of a balance sheet, income statement, and cash flow statement. If an entity has not been operating for four years, historical statements for the period of time the entity has been operating.

13. An unqualified, comparative audited financial statement for the previous calendar year from the date the application is submitted. A subsidiary can use the consolidated financial statements of the parent organization if the parent guarantees the award as outlined in Section VI.C(1) above. For governmental entities financial statements must be accompanied with certifications as to unrestricted cash that may be available on a yearly basis to the applicant.

14. Pro Forma financial analysis, prepared in conformity with U.S. GAAP and the Agency's guidance on grant accounting found at *https://www.rd.usda.gov/files/AccountingGuidance10.pdf.* The Pro Forma should validate the sustainability of the project by including subscriber estimates related to all proposed service offerings; annual financial projections with balance sheets, income statements, and cash flow statements; supporting assumptions for a five-year forecast period and a depreciation schedule for existing facilities, those facilities funded with federal assistance, matching funds, and other funds. This pro forma should indicate the committed sources of capital funding and include a bridge year prior to the start of the forecast period. This bridge year shall be used as a buffer between the historical financial information and the forecast period and is the year in which the application is submitted.

15. All attachments required in the RUS Online application system;

16. A scoring sheet, analyzing the scoring criteria set forth in this FOA;

17. A list of all the applicant's outstanding and contingent obligations, including copies of existing notes, loan and security agreements, guarantees, any existing management or service agreements, and any other agreements with parents, subsidiaries and affiliates, including but not limited to debt instruments that use the applicant's assets, revenues or stock as collateral;

18. Compliance with the Agencies Environmental Policies and Procedures of 7 CFR part 1970 is required. To facilitate compliance the applicant must provide completed Environmental Questionnaire(s) as prompted by the application system. The questionnaire consists of project descriptions for environmental review purposes. All project activities, specific project locations, and supporting documentation, must be provided to further the Agencies analysis of potential impacts to the environment. The applicant must supply required environmental authorizations and permits, including those required by the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*) (NHPA), and the Endangered Species Act of 1973, as amended (16 U.S.C. 1534 *et seq.*) (ESA) as applicable. Project maps or site plans are required to identify cable routes, building locations, tower locations, equipment locations and all structures and facilities that are part of the project. The Agency will use data provided in the intake system to complete the environmental review for this project, and may require the applicant to provide additional information, and studies post-application. This information is needed to assist with an efficient and timely review of the environmental requirements.

19. Certification from the applicant that agreements with, or obligations to, investors do not breach the obligations to the government under the draft Award Documents, especially distribution requirements, and that any such agreements will be amended so that such obligations are made contingent to compliance with the Award Documents. Such certification should also specifically identify which, if any, provisions would need to be amended; and

20. If service is being proposed on tribal land, a certification from the proper tribal official that they are in support of the project and will allow construction to take place on tribal land. The certification must: (1) Include a description of the land proposed for use as part of the proposed project; (2) identify whether the land is owned, held in Trust, land held in fee simple by the Tribe, or land under a long-term lease by the Tribe; (3) if owned, identify the land owner; and (4) provide a commitment in writing from the land owner authorizing the applicant's use of that land for the proposed project. If no certification is provided, then this area may be ineligible for funding.

21. Any other information requested in the online application system.

D. Material Representations

The application, including certifications, and all forms submitted as part of the application will be treated as material representations upon which RUS will rely in awarding grants and loans.

VIII. Application Evaluation Criteria

A. Evaluation Criteria

Applications for the 50/50 loan/grant combo and the 100 percent grants will be scored and ranked against the following criteria below. However, applications that cover the same proposed service area will be evaluated as described in Section V(C)(5)(b)(i) above. If eligible applications receive the same score and funding becomes limited, the application that is proposing to serve the highest number of households without sufficient broadband service will be funded first.

1. Rurality of Proposed Funded Service Area (25 Points)

Points will be awarded for serving the least dense rural areas as measured by the population of the proposed funded service area per square mile or if the proposed funded service area is located at least one hundred miles from a city or town that has a population of greater than 50,000 inhabitants. If multiple service areas are proposed, the density calculation will be made on the combined areas as if they were a single area and not the average densities. For the determination of the location of the proposed funded service areas, all proposed funded service areas must be located at least one hundred miles from a city or town that has a population of greater than 50,000. Population densities of 6 or less or if the proposed funded service area is located one hundred miles from a city or town of 50,000, 25 points will be awarded.

2. Farms Served (20 Points)

Applicants will receive 1 point for every 10 farms served up to a maximum of 20 points. Farms will be counted using 2017 Census of Agriculture data. The total area in square miles by county covered by the Proposed Funded Service Area will be treated as its own analysis area. The mapping tool will calculate the analysis area in square miles as a percentage of the total county area in square miles and then multiply this percentage by the total number of farms located in that county. If there is more than one county covered by the PFSA, the sum of all analysis area(s) will be used to determine the total number of farms for that PFSA. Farms will be counted using the GIS layer located in the RUS mapping tool at: *https://reconnect.usda.gov.*

3. Performance of the Offered Service (20 Points)

For projects that are proposing to build a network that is capable of providing at least 100 Mbps symmetrical service to all premises, 20 points will be awarded. The certification from the Professional Engineer must certify that the proposed system can deliver these speeds to every premise in the proposed funded service area.

4. Businesses (15 Points)

Applicants will receive 1 point for each business that pre-subscribes for broadband service up to a maximum of 15 points. Applicants must have the owner of the business sign the presubscription form provided in the application system and submit them as part of their application.

5. Healthcare Centers (15 Points)

For every healthcare center served 1 point will be awarded up to a maximum of 15 points. Healthcare centers will be counted using the GIS layer located in the RUS mapping tool at *https://reconnect.usda.gov.* For tribal areas not identified in the GIS layer, the tribal leader of the area can submit documentation supporting the number of healthcare facilities and will receive 1 point up to a total of 15 points for every healthcare facility that is identified. A certification that the facilities exist and are being used must be submitted by the tribal leader.

6. Educational Facilities (15 Points)

For every school served 1 point will be awarded up to a maximum of 15 points. Schools will be counted using the GIS layer provided in the RUS mapping tool located at *https://reconnect.usda.gov.* For tribal areas not identified in the GIS layer, the tribal leader of the area can submit documentation supporting the number

of educational facilities and will receive 1 point up to a total of 15 points for every educational facility that is identified. A certification that the facilities exist and are being used must be submitted by the tribal leader.

7. Essential Community Facilities (15 Points)

For every essential community facility served 1 point will be awarded up to a maximum of 15 points. Essential community facilities will be counted using the GIS layer located in the RUS mapping tool at *https://reconnect.usda.gov.* For tribal areas not identified in the GIS layer, the tribal leader of the area can submit documentation supporting the number of Essential Community Facilities and will receive 1 point up to a total of 15 points for every Essential Community Facility that is identified. A certification that the facilities exist and are being used must be submitted by the tribal leader.

8. Opportunity Zones (5 Points)

For applications that are proposing to provide service in at least part of an area identified as an Opportunity Zone, 5 points shall be awarded. Opportunity Zones will be analyzed using the GIS layer located at *https://reconnect.usda.gov.*

9. State or Tribal Broadband Activity (20 Points)

For projects that are in a State or tribal area that has a broadband plan that has been updated within five years of the date of publication of this FOA, 10 points will be awarded. An additional 5 points will be awarded for projects located in states that do not restrict utilities from delivering broadband service, and 5 more points for projects located in states that expedite right-of-way and environmental requirements. Applicants will be required to submit evidence from the appropriate State or tribal official that a broadband plan has been implemented and updated, that there are no restrictions on utilities providing broadband service, and that procedures are in place for expediting right-of-way and environmental requirements. If service is proposed in multiple states tribal areas, then evidence must be submitted from each state or tribal area to get the appropriate points.

IX. Notice of Proposed Funded Service Areas

A. The Agency Will Publish a Public Notice of Each Application

The application must provide a summary of the information required for such public notice including the following:

1. The identity of the applicant;
2. A map of each proposed funded service area showing the rural area boundaries and the areas without sufficient access to broadband using the Agency's Mapping Tool;
3. The amount and type of support requested;
4. The status of the review of the application;
5. The estimated number of households without sufficient access to broadband in each service area exclusive of satellite and mobile broadband service; and
6. A description of all the types of services that the applicant proposes to offer in each service area.

B. Notification After the Application Has Been Received

The Agency will publish the public notice on an Agency web page after the application has been submitted through the online application system and will remain on the web page for a period of 45 calendar days. The notice will ask existing service providers to submit to the Agency, within this notice period, the following information:

1. The number of residential and business customers within the applicant's service area currently purchasing broadband service, defined as at a minimum speed of 10 Mbps downstream and 1 Mbps upstream, the rates of data transmission being offered, and the cost of each level of broadband service charged by the existing service provider;
2. The number of residential and business customers within the applicant's service area receiving voice and video services and the associated rates for these other services; and
3. A map showing where the existing service provider's services coincide with the applicant's service area using the Agency's Mapping Tool.

Please note that the Agency will be contacting any entity that responds to the notice and will be requesting additional information such as test result that demonstrate that the area in question has sufficient access to broadband service.

C. Agency Determination of Sufficient Access to Broadband in Proposed Funded Service Area

The Agency will use the information submitted to determine if there is sufficient access to broadband in any part of the proposed funded service area. Notwithstanding non-responses by actual and potential providers, the Agency will use all information available in evaluating the feasibility of the project.

D. Treatment of Submitted Information

The information submitted by an existing service provider will be treated as proprietary and confidential to the extent permitted under applicable law.

E. Notice of Application Is Approved

If an application is approved, an additional notice will be published on the agency's website that will include the following information:

1. The name of the entity receiving the financial assistance;
2. The type of assistance being received;
3. The purpose of the assistance and the location of the proposed funded service area; and
4. The semiannual reports submitted under Section X(B)(6)e of this FOA.

X. Evaluation and Processing Procedures

A. Review of Application

Applications will be evaluated using the criteria stated in Section VII.C of this FOA. Public comments received with respect to an application's proposed funded service area will be reviewed and evaluated. Eligibility of proposed funded service areas will be verified by the Agency.

RUS also reserves the right to ask applicants for clarifying information and additional verification of assertions in the application. For those applications that RUS has selected for funding, RUS will send award documents.

B. Review of Awardee Operations

1. Entities That Receive Funding Under This FOA

For all entities that receive funding under this FOA, RUS may send a team to the awardee's facilities to complete a Management Analysis Profile (MAP) of the entire operation. MAPs are used by RUS as a means of evaluating an Awardee's strengths and weaknesses and ensuring that awardees are prepared to fulfil the terms of the award. Once an applicant accepts an award offer, RUS may schedule a site visit as soon as possible.

2. Agency Right Not To Advance Funds

RUS reserves the right not to advance funds until the MAP has been completed. If the MAP identifies issues that can affect the operation and completion of the project, those issues must be addressed to the satisfaction of RUS before funds can be advanced. Funding may be rescinded if following

a MAP, the agency determines that the awardee will be unable to meet the requirements of the award.

XI. Award Administration Information

A. Award Notices

Successful applicants will receive an offer letter and award documents from RUS following award notification. Applicants may view sample award documents at *https://reconnect.usda.gov.*

B. Administrative Requirements

1. Pre-Award Conditions

No funds will be disbursed under this program until all other sources of funding have been obtained and any other pre-award conditions have been met. Failure to obtain one or more sources of funding committed to in the Application or to fulfill any other pre-award condition within 90 days of award announcement may result in withdrawal of the award.

2. Advance Procedures

RUS loan and grant advances are made at the request of the Awardee according to the procedures stipulated in the Award Documents. ALL MATCHING FUNDS OR CASH PROVIDED IN LIEU OF LOAN FUNDS MUST BE EXPENDED FIRST, FOLLOWED BY LOAN FUNDS, AND THEN BY GRANT FUNDS, EXCEPT FOR RUS APPROVED PRE-APPLICATION EXPENSES. Grant funds, if any, will be used for eligible preapplication expenses only on the first advance request. Accordingly, applications that do not account for such advance procedures in the pro forma five-year forecast may be rejected.

3. Construction

a. All project assets must comply with 7 CFR part 1788, and 7 CFR part 1970 located at *https://www.rd.usda.gov/publications/regulations-guidelines/regulations,* the ReConnect Program Construction Procedures located at *https://reconnect.usda.gov,* any successor regulations found on the agency's website, and any other guidance from the Agency.

b. The build-out of the project must be completed within five years from the date funds are made available. Build-out is considered complete when the network design has been fully implemented, the service operations and management systems infrastructure is operational, and the awardee is ready to support the activation and commissioning of individual customers to the new system.

5. Servicing

a. Awardees must make payments on the loan as required in the note and Award Documents.

b. Awardees must comply with all terms, conditions, affirmative covenants, and negative covenants contained in the Award Documents.

6. Accounting, Monitoring, and Reporting Requirements

a. Awardees must adopt a system of accounts for maintaining financial records acceptable to the Agency, as described in 7 CFR part 1770, subpart B.

b. Awardees must submit annual comparable audited financial statements along with a report on compliance and on internal control over financial reporting, and management letter in accordance with the requirements of 7 CFR part 1773. The Certified Public Accountant (CPA) conducting the annual audit is selected by the borrower and must be satisfactory to RUS as set forth in 7 CFR 1773 subpart B—RUS Audit Requirements.

c. Awardees must comply with all reasonable Agency requests to support ongoing monitoring efforts. The Awardee shall afford RUS, through its representatives, reasonable opportunity, at all times during business hours and upon prior notice, to have access to and the right to inspect: The Broadband System, any other property encumbered by the Award Documents, any and all books, records, accounts, invoices, contracts, leases, payrolls, timesheets, cancelled checks, statements, and other documents, electronic or paper of every kind belonging to or in the possession of the Awardee or in any way pertaining to its property or business, including its subsidiaries, if any, and to make copies or extracts therefore.

d. Awardee records shall be retained and preserved in accordance with the provisions of 7 CFR part 1770, subpart A.

e. Awardees must submit semiannual reports for 3 years after completion of the project, which must include the following:

(1) The purpose of the financing, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure);

(2) The progress towards fulfilling the objectives for which the assistance was granted, including:

(i) The number of residences and businesses that will receive service equal to or greater than the speed required for the appropriate funding category;

(ii) The types of facilities constructed and installed;

(iii) The speed of the broadband services being delivered;

(iv) The average price of the broadband services being delivered in each proposed service area;

(v) The broadband adoption rate for each proposed service territory, including the number of new subscribers generated from the facilities funded; and

7. Assistance Instruments

a. Terms and conditions of loans, grants, or loan/grant combinations are set forth in the non-negotiable standard loan, grant, or loan/grant agreements and the corresponding note, and/or mortgage, if applicable, which may be found at *https://reconnect.usda.gov.*

b. Award Documents must be executed prior to any advance of funds.

c. Sample Award Documents can be found at *https://reconnect.usda.gov.*

8. Loan and Loan/Grant Terms and Conditions

Among others, the following terms shall apply to the loans:

a. Interest Rate

If an applicant is applying for a 100% loan, the interest rate shall be fixed at 2%. If an applicant is applying for a 50/50 loan/grant combination, the loan shall bear interest at a rate equal to the cost of borrowing to the Department of Treasury for obligations, as determined by the government, of comparable maturity. The applicable interest rate will be set at the time of each advance.

b. Repayment Period

Unless the Applicant requests a shorter repayment period, loans must be repaid with interest within a period that, rounded to the nearest whole year, is equal to the expected Composite Economic Life of the project assets, as determined by RUS based upon acceptable depreciation rates, plus three years. Acceptable depreciation rates can be found in the ReConnect Program Constructions Procedures found at *https://reconnect.usda.gov.*

c. Amortization Period

Interest begins accruing on the date of each loan advance. All interest and principle payments will be deferred for a three-year period starting when funds are made available to be drawn by the Awardee. At the end of the three-year deferral period, accrued interest will be capitalized and added to the

outstanding principal, and monthly payments will be established in an amount that amortizes the outstanding balance in equal payments over the remaining term of the loan.

d. Build-Out Period

All proposed construction (including construction with matching and other funds) and all advance of funds must be completed no later than five years from the time funds are made available.

e. Loan Security

The loan portion of the award must be adequately secured, as determined by RUS.

(i) For Corporations and LLC's, the loan and loan/grant combinations must be secured by all assets of the Awardee. RUS must be given an exclusive first lien, in form and substance satisfactory to RUS, on all assets of the Awardee, including all revenues. RUS may share its first lien position with one or more lenders on a *pari passu* basis, except with respect to grant funds, if security arrangements are acceptable to RUS. Applicants must submit a certification that their prior lender or lienholder on any Awardee assets has already agreed to sign the RUS' standard intercreditor agreement or co-mortgage found at *https://reconnect.usda.gov.* Note that RUS will not consider sharing assets with any related party or affiliate of the Awardee. Moreover, given that RUS cannot renegotiate these standard agreements, Awardees that are unable to obtain sign-off on the security arrangements may have their awards rescinded within 60 days of the date the Awardee is made aware of the approval of its application.

(ii) For Tribal entities and municipalities, RUS will develop appropriate security arrangements.

(iii) Unless otherwise approved by RUS in writing, all property and facilities purchased with award funds must be owned by the Awardee.

f. Grant Security

The grant portion of the award must also be adequately secured, as determined by RUS.

(i) The government must be provided an exclusive first lien on all grant assets during the service obligation of the grant, and thereafter any sale or disposition of grant assets must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified in 2 CFR part 200. Note that this part will apply to ALL grant funds of an Awardee, regardless of the entity status or type of organization.

(ii) All Awardees must repay the grant if the project is sold or transferred without receiving written approval from RUS during the service obligation of the grant.

9. Award Terms and Conditions

a. Scope

Awardees are required to comply with the requirements established herein. Any obligation that applies to the Awardee shall extend for the life of the award-funded facilities.

b. Sale or Lease of Project Assets

The sale or lease of any portion of the Awardee's facilities must be approved in writing by RUS.

c. Certifications

(i) The Applicant must certify that it is authorized to submit the application on behalf of the eligible entity(ies) listed in the Application; that the Applicant has examined the Application; that all information in the Application, including certifications and forms submitted, are, at the time furnished, true and correct in all material respects; that the entity requesting funding will comply with the terms, conditions, purposes, and federal requirements of the program; that no kickbacks were paid; and that a false, fictitious, or fraudulent statement or claim on the Application is grounds for denial or termination of an award, and/or possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001 and civil violations of the False Claims Act (31 U.S.C. 3729 *et seq.*);

(ii) The Applicant must certify that it will comply with all applicable federal, tribal, state, and local laws, rules, regulations, ordinances, codes, orders, and programmatic rules and requirements relating to the project, and acknowledges that failure to do so may result in rejection or de-obligation of the award, as well as civil or criminal prosecution, if applicable, by the appropriate law enforcement authorities.

10. Financial and Compliance Reporting Requirements

Awardees must submit to RUS 30 calendar days after the end of each calendar year quarter, balance sheets, income statements, statements of cash flow, rate package summaries, and the number of customers taking broadband service on a per community basis utilizing RUS' on-line reporting system. These reports must be submitted throughout the loan amortization period or for the economic life of the facilities funded with a 100 percent grant. In addition, Awardees will be required to submit annually updated service area maps through the RUS mapping tool showing the areas where construction has been completed and premises are receiving service until the entire proposed funded service area can receive the broadband service. At the end of the project, Awardees must submit a service area map indicating that all construction has been completed as proposed in the application. If parts of the proposed funded service area have not been constructed, RUS may require a portion of the award to be rescinded or paid back.

XII. Other Information

A. Discretionary Awards

The government is not obligated to make any award as a result of this announcement and will fund only projects that are deemed likely to achieve the program's goals and for which funds are available.

B. Environmental and National Historic Preservation Requirements

Federal Agencies are required to analyze the potential environmental impacts, as required by the NEPA and the NHPA for Applicant projects or proposals seeking funding. All Applicants are required to complete an Environmental Questionnaire, provide a description of program activities and to submit all other required environmental documentation as requested in the application system or by the Agency after the application is submitted. It is the Applicant's responsibility to obtain all necessary federal, tribal, state, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts to the environment. Applicants also will be required to cooperate with the granting agencies in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Applications will be reviewed to ensure that they contain sufficient information to allow Agency staff to conduct a NEPA analysis so that appropriate NEPA documentation can be submitted to the appropriate federal and state agencies, along with the recommendation that the proposal is in compliance with applicable environmental and historic preservations laws. Applicants proposing activities that cannot be covered by existing environmental compliance procedures will be informed after the technical review stage whether

NEPA compliance and other environmental requirements can otherwise be expeditiously met so that a project can proceed within the timeframes anticipated under the ReConnect Program. If additional information is required after an application is accepted for funding, funds can be withheld by the agency under a special award condition requiring the Awardee to submit additional environmental compliance information sufficient for the Agency to assess any impacts that a project may have on the environment.

C. De-Obligation

The RUS reserves the right to deobligate awards to Awardees under this FOA that demonstrate an insufficient level of performance, wasteful or fraudulent spending, or noncompliance with environmental and historic preservation requirements.

D. Confidentiality of Applicant Information

Applicants are encouraged to identify and label any confidential and proprietary information contained in their applications. The Agency will protect confidential and proprietary information from public disclosure to the fullest extent authorized by applicable law, including the Freedom of Information Act, as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), the Economic Espionage Act of 1996 (18 U.S.C. 1831 *et seq.*), and CALEA (47 U.S.C. 1001 *et seq.*). Applicants should be aware, however, that the Consolidated Appropriations Act requires substantial transparency. For example, RUS is required to make publicly available on the internet a list of each entity that has applied for a loan or grant, a description of each application, the status of each application, the name of each entity receiving funds, and the purpose for which the entity is receiving the funds.

E. Compliance With Applicable Laws

Any recipient of funds under this FOA shall be required to comply with all applicable federal, tribal and state laws, including but not limited to:

1. The nondiscrimination and equal employment opportunity requirements of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.,* 7 CFR pt. 15);

2. Section 504 of the Rehabilitation Act (29 U.S.C. 794 *et seq.;* 7 CFR pt. 15b);

3. The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.;* 45 CFR pt. 90);

4. Executive Order 11375, amending Executive Order 11246, Relating to Equal Employment Opportunity (3 CFR pt. 102). *See* 7 CFR pts. 15 and 15b and 45 CFR pt. 90, RUS Bulletin 1790–1 (''Nondiscrimination among Beneficiaries of RUS Programs''), and RUS Bulletin 20–15:320–15 (''Equal Employment Opportunity in Construction Financed with RUS Loans'');

5. The Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 *et seq.*);

6. The Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101–19.6); and

7. The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA and certain related federal environmental laws, statutes, regulations, and Executive Orders found in 7 CFR 1970.

A more complete list of such requirements can be found in the applicable Award Documents.

F. Communications Laws

Awardees will be required to comply with all applicable federal, tribal and state communications laws and regulations, including, for example, the Communications Act of 1934, as amended, (47 U.S.C. 151 *et seq.*) the Telecommunications Act of 1996, as amended (Pub. L. 104–104, 110 Stat. 56 (1996), and CALEA. For further information, *see http://www.fcc.gov.*

G. Executive Order 13132

It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

H. Authorized Signatories

Only authorized grant and loan officers can bind the Government to the expenditure of funds.

I. Paperwork Reduction Act and Recordkeeping Requirements

The Information Collection and Recordkeeping requirements contained in this FOA have been approved by OMB Control Number 0572–0152. Copies of all forms, regulations, and instructions referenced in this FOA may be obtained from RUS. Data furnished by the Applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, the failure to provide data could result in program benefits being withheld or denied.

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2019–26522 Filed 12–9–19; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Foreign Availability Procedures

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before February 10, 2020.

ADDRESSES: Direct all written comments to Mark Crace, IC Liaison, Bureau of Industry and Security, 1401 Constitution Avenue, Suite 2099B, Washington, DC 20233 (or via the internet at *PRAcomments@doc.gov*). Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

SUPPLEMENTARY INFORMATION:

I. Abstract

This information is collected in order to respond to requests by Congress and industry to make foreign availability determinations in accordance with Section 768 of the Export Administration Regulations. Exporters are urged to voluntarily submit data to support the contention that items controlled for export for national security reasons are available-in-fact, from a non-U.S. source, in sufficient quantity and of comparable quality so as to render the control ineffective.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0004.

Form Number(s): N/A.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2.

Estimated Time per Response: 255 hours.

Estimated Total Annual Burden Hours: 510 hours.

Estimated Total Annual Cost to Public: $20.

Respondent's Obligation: Voluntary.

Legal Authority: Section 1761(h) of the Export Control Reform Act (ECRA).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–26775 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Report of Requests for Restrictive Trade Practice or Boycott

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before February 10, 2020.

ADDRESSES: Direct all written comments to Mark Crace, IC Liaison, Bureau of Industry and Security, 1401 Constitution Avenue, Suite 2099B, Washington, DC 20233 (or via the internet at *PRAcomments@doc.gov*). Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

SUPPLEMENTARY INFORMATION:

I. Abstract

This information is used to monitor requests for participation in foreign boycotts against countries friendly to the U.S. The information is analyzed to note changing trends and to decide upon appropriate action to be taken to carry out the United States' policy of discouraging United States persons from participating in foreign restrictive trade practices and boycotts directed against countries friendly to the United States.

II. Method of Collection

Submitted on paper or electronically.

III. Data

OMB Control Number: 0694–0012.

Form Number(s): BIS–621P, BIS–6051P, BIS–6051 P–a.

Type of Review: Regular submission.

Affected Public: Any U.S. Person

Estimated Number of Respondents: 892.

Estimated Time per Response: 1 hour to 1 hour and 30 minutes.

Estimated Total Annual Burden Hours: 1,171.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: 15 CFR Sections 760.1, 760.5, 764.2, 762, 760.5.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–26776 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–045]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that exporters of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China (China) sold subject merchandise in the United States at prices below normal value during the period of review (POR) November 4, 2016 through April 30, 2018.

DATES: Applicable December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Jasun Moy, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8194.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on HEDP from China in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[1] This review covers one producer/exporter of subject merchandise, Henan Qingshuiyuan Technology Co., Ltd. (Qingshuiyuan). On July 12, 2019, Commerce published

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 32270 (July 12, 2018); *see also 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 82 FR 22807 (May 18, 2017).

the *Preliminary Results* of this review.[2] On August 19, 2019, Commerce received case briefs from Compass Chemical International LLC (the petitioner) and Qingshuiyuan.[3] On August 28, 2019, we received rebuttal briefs from the petitioner and Qingshuiyuan.[4] On September 25, 2019, Commerce postponed the final results to 151 days after the *Preliminary Results*.[5] The revised deadline for the final results in this review is now December 10, 2019.

Scope of the Order

The products covered by this order are HEDP. For a full description of the scope, *see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in the case briefs filed by parties are listed in the appendix to this notice and are addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum is available at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, and for the reasons explained in the Issues and Decision Memorandum, Commerce made two changes to the *Preliminary Results.* First, instead of converting U.S. price to a metric ton basis, we converted normal value to a kilogram basis, to match the U.S. price unit of measure, before calculating the weighted-average dumping margin. Second, there were multiple variants of the name for the same importer. Thus, we adjusted the name of the importers to make the names consistent. For a more detailed discussion of these changes, *see* the Final Analysis Memorandum.[7]

Separate Rate

In the *Preliminary Results,* we found that information placed on the record by Qingshuiyuan demonstrated that this entity is entitled to separate rate status, which we preliminarily granted.[8] We received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering the determination with respect to the separate rate status of this entity. Therefore, for the final results, we continue to find that Qingshuiyuan is eligible for a separate rate.

Final Results of the Review

Commerce determines that the following weighted-average dumping margin exists for the POR from November 4, 2016 through April 30, 2018:

Exporter	Weighted-average dumping margin (percent)
Henan Qingshuiyuan Technology Co., Ltd	397.20

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[9] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the entity's rate (*i.e.,* 167.58 percent) is not subject to change.[10]

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific (or customer-specific) assessment rates for merchandise subject to this review. For these final results, we divided the total dumping margins (calculated as the difference between normal value and export price or constructed export price) for Qingshuiyuan's importers or customers by either the total number of kilograms the exporter sold to that importer or customer or by the total entered value. We intend to direct CBP to assess the resulting per-kilogram dollar amount or the *ad valorem* assessment rate against each kilogram of merchandise in each of that importer's/customer's entries during the review period.

For entries that were not reported in the U.S. sales data submitted by Qingshuiyuan during this review, Commerce will instruct CBP to liquidate such entries at the rate for the China-wide entity.[11]

Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review in the **Federal Register**.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Qingshuiyuan, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the *ad*

[2] *See 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016–2018,* 84 FR 33236 (July 12, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[3] *See* Petitioner's Case Brief, ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China,'' dated August 19, 2019; *see also* Qingshuiyuan's Case Brief, ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China, A–570–045; Case Brief,'' dated August 19, 2019.

[4] *See* Petitioner's Rebuttal Brief, ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China,'' dated August 28, 2019; *see also* Qingshuiyuan's Rebuttal Brief, ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China, A–570–045; Rebuttal Brief,'' dated August 28, 2019.

[5] *See* Memorandum, ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated September 25, 2019.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Antidumping Duty Administrative Review of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China; 2016–2018,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See* Memorandum, ''Antidumping Duty Administrative Review of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China; 2016–2018: Final Results Analysis Memorandum,'' dated concurrently with this notice (Final Analysis Memorandum).

[8] *See Preliminary Results,* 84 FR at 32634, and accompanying PDM at 3–5.

[9] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[10] *See 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 82 FR 22807 (May 18, 2017).

[11] *See* 19 CFR 351.212(b)(1).

valorem rate is *de minimis,* then the cash deposit rate will be zero); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the completed segment of the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 167.58 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: December 6, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the Preliminary Results
V. Discussion of the Issues
Comment 1: Whether to Adjust Qingshuiyuan's Reported Factors of Production (FOPs)
Comment 2: Whether to Include Brokerage and Handling (B&H) Expenses for Surrogate Values
Comment 3: Whether the Dumping Margin is Commercially or Economically Realistic
Comment 4: Whether Commerce's Erroneous Calculation Prevents Effective Comment
Comment 5: Whether the Liquidation Instructions are Incorrect
Comment 6: Whether the Financial Statements from CYDSA, S.A.B. de C.V. Are Unusable
Comment 7: Whether to Use Mexico as the Surrogate Country
Comment 8: Whether the Surrogate Value (SV) for Yellow Phosphorus is Aberrational
Comment 9: Whether the Deductions from Constructed Export Price (CEP) Were Excessive
Comment 10: Whether Non-Deductible Value-Added Tax Should be Deducted From U.S. Price
VI. Recommendation

[FR Doc. 2019–26797 Filed 12–11–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–884]

Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, 2017

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Hyundai Steel Co., Ltd. (Hyundai Steel), a producer/exporter of certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea), received countervailable subsidies that are *de minimis.* The period of review (POR) is January 1, 2017 through December 31, 2017. We invite interested parties to comment on these preliminary results.

DATES: Applicable December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Hannah Falvey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4889.

SUPPLEMENTARY INFORMATION:

Background

On December 11, 2018, Commerce published a notice of initiation of an administrative review of the countervailing duty (CVD) order on hot-rolled steel from Korea.[1] On July 3, 2019, Commerce extended the deadline for the preliminary results of this review to no later than December 5, 2019.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included in the appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is hot-rolled steel. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 63615 (December 11, 2018).

[2] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated July 3, 2019.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review; 2017: Certain Hot-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

In accordance with 19 CFR 351.224(b)(4)(i), we calculated a subsidy rate for Hyundai Steel. For the POR, we preliminarily find that the net subsidy rate for the producers/exporters under review to be as follows:

Company	Subsidy rate (percent *ad valorem*)
Hyundai Steel Co., Ltd	0.45

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review. Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Cash Deposit Requirements

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[5] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[6] Rebuttal briefs must be limited to issues raised in the case briefs.[7] Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[9] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[10] Issues addressed during the hearing will be limited to those raised in the briefs.[11] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Notification to Interested Parties

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: December 5, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Review
IV. Scope of the Order
V. Subsidies Valuation Information
VI. Use of Facts Otherwise Available
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2019–26798 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] *See* 19 CFR 224(b).

[6] *See* 19 CFR 351.309(c)(l)(ii) and 351.309(d)(l).

[7] *See* 19 CFR 351.309(d)(2).

[8] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310.

[11] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XX029]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an exempted fishing permit application contains all of the required information and warrants further consideration. This permit would allow Coonamessett Farm Foundation to test the selectivity of alternate gillnet configurations to target haddock while reducing catch of other groundfish species. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed exempted fishing permits.

DATES: Comments must be received on or before December 27, 2019.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on Testing Selectivity and Raised Webbing Gillnets on Target and Non-Target Species in the Northeast Haddock Fishery.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Testing Selectivity of Alternative Gillnet Configurations in the Northeast Haddock Fishery.''

FOR FURTHER INFORMATION CONTACT: Kyle Molton, Fishery Management Specialist, 978–281–9236, *Kyle.Molton@noaa.gov.*

SUPPLEMENTARY INFORMATION: Coonamessett Farm Foundation (CFF)

submitted a complete application for an exempted fishing permit (EFP) on October 28, 2019, to conduct commercial fishing activities that the regulations would otherwise restrict. The application is a renewal of an EFP originally issued in December 2017 and renewed in March 2019. The original EFP allowed up to 24 trips (with a target of 24 days-at-sea); to date vessels have fished 10 days-at-sea. The EFP would authorize four vessels to test alternative gillnet configurations for haddock and to temporarily retain undersized catch for measurement and data collection. The applicant has requested exemptions from minimum mesh size regulations at 50 CFR 648.80(a)(4)(iv) and § 648.8(b)(2)(iv), and the prohibition on possessing groundfish below the minimum size § 648.83(a). These exemptions are necessary because vessels on commercial groundfish trips are prohibited from using gillnets with mesh size less than 6.5 inches (16.51 cm) and from retaining undersized groundfish. The applicant is also requesting an exemption from the Closed Area I North Georges Bank Spawning Groundfish Closure at § 648.81(c)(3), which NOAA Fisheries does not intend to approve, as further described below.

The project titled ''Testing Selectivity and Raised Webbing Gillnets on Target and Non-Target Species in the Northeast Haddock Fishery'' would continue to be conducted by CFF. The study would take place on Georges Bank and in southern New England from January 2020 through August 2020, with the 4 participating vessels fishing no more than 14 days-at-sea total. Vessels would fish a maximum of 20 gillnets, each 300 feet (91.44 m) long, in strings made up of 10 to 20 nets each. Nets would alternate between standard 6.5-inch (16.51-cm) mesh and 6.0-inch (15.24-cm) mesh. Half of the nets of each mesh size would be rigged with a 30-inch (76.2-cm) raised webbing section along the bottom. Two to three hauls of the nets are expected during each day at sea with an average soak time of 6 to 8 hours for each set.

A CFF researcher or technician would accompany all trips that occur under this EFP to identify and count all fish caught, as well as measure and weigh cod and haddock. Individual fish of other species would also be measured and weighed if time allows. Undersized fish would be discarded as quickly as possible after sampling. All Northeast multispecies of legal size would be landed, and all catch (including discards) would be attributed to the vessel's sector annual catch entitlement, consistent with standard catch accounting procedures. Participating vessels would comply with all protected species regulations, and would not be able to set gillnets in areas otherwise closed to fishing with gillnet gear.

Under a recent court order, NOAA Fisheries is barred from allowing gillnet fishing in the former Nantucket Lightship and Closed Area I Groundfish Closure Areas. Accordingly, we can not approve, nor will we consider, the applicant's request to allow access to the seasonal Closed Area I North Georges Bank Spawning Groundfish Closure, which falls entirely within the footprint of former Closed Area I. CFF had requested this exemption previously, but the request was denied because of potential negative impacts to spawning groundfish.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request.

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

Dated: December 6, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–26693 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG958]

Notice of Availability of the Deepwater Horizon Oil Spill Open Ocean Trustee Implementation Group Final Restoration Plan 2 and Environmental Assessment: Fish, Sea Turtles, Marine Mammals, and Mesophotic and Deep Benthic Communities and Finding of No Significant Impact

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

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and a Consent Decree with BP Exploration & Production Inc. (BP),[1] the *Deepwater Horizon* Federal natural resource trustee agencies for the Open Ocean Trustee Implementation Group (Open Ocean TIG) have prepared a Draft Restoration Plan 2 and Environmental Assessment (Draft RP/EA). The Draft RP/EA describes and proposes restoration project alternatives considered by the Open Ocean TIG to restore natural resources and ecological services injured or lost as a result of the *Deepwater Horizon* oil spill. The Open Ocean TIG evaluated these alternatives under criteria set forth in the OPA natural resource damage assessment regulations, and also evaluated the environmental consequences of the restoration alternatives in accordance with NEPA. The proposed projects are consistent with the restoration alternatives selected in the *Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The purpose of this notice is to inform the public of the availability of the Final RP II/EA and Finding of No Significant Impact (FONSI).

ADDRESSES: *Obtaining Documents:* You may download the Final RP/EA and FONSI at: *http://www.gulfspillrestoration.noaa.gov/restoration-areas/open-ocean.* Alternatively, you may request a CD of the Final RP/EA and FONSI (see **FOR FURTHER INFORMATION CONTACT** below). In addition, you may view the document at any of the public facilities listed in Appendix G.

FOR FURTHER INFORMATION CONTACT: National Oceanic and Atmospheric Administration—Laurie Rounds, *Laurie.Rounds@noaa.gov,* (850) 934–9284.

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over one

[1] Consent Decree among Defendant BP Exploration & Production Inc., the United States of America, and the States of Alabama, Florida, Louisiana, Mississippi, and Texas entered in ''In re: Oil Spill by the Oil Rig ''Deepwater Horizon'' in the Gulf of Mexico, on April 20, 2010,'' MDL No. 2179 in the United States District Court for the Eastern District of Louisiana.

million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The Deepwater Horizon Federal and State natural resource trustees (DWH Trustees) conducted the natural resource damage assessment (NRDA) for the *Deepwater Horizon* oil spill under OPA (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The *Deepwater Horizon* Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The Trustees reached and finalized a settlement of their natural resource damage claims with BP in an April 4, 2016, Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Open Ocean Restoration Area are now selected and implemented by the Open Ocean TIG. The Open Ocean TIG is composed of the following Federal Trustees: NOAA; DOI; EPA; and USDA.

This restoration planning activity is proceeding in accordance with the PDARP/PEIS. Information on the Restoration Types evaluated in the Final RP/EA, as well as the OPA criteria against which project ideas are being evaluated, can be viewed in the PDARP/PEIS (*http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan*) and in the Overview of the PDARP/PEIS (*http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan*).

Background

On March 31, 2017, the Open Ocean TIG posted a public notice at *http://www.gulfspillrestoration.noaa.gov* requesting new or revised natural resource restoration project ideas by May 15, 2017 for the Open Ocean Restoration Area. The notice stated that the Open Ocean TIG was seeking project ideas for the following Restoration Types: (1) Birds; (2) Sturgeon; (3) Sea Turtles; (4) Marine Mammals; (5) Fish and Water Column Invertebrates; and (6) Mesophotic and Deep Benthic Communities.

On February 7, 2018 the Open Ocean TIG announced that it had initiated drafting of its first and second post settlement draft restoration plans; and that the first plan would include restoration projects for Birds and Sturgeon, while the second plan, noticed here, would include restoration projects for Sea Turtles, Marine Mammals, Fish and Water Column Invertebrates, and Mesophotic and Deep Benthic Communities.

Notice of availability of the Draft RP/EA was published in the **Federal Register** on May 15, 2019 (84 FR 21753). The Draft RP II/EA provided the Open Ocean TIG's analysis of alternatives which would meet the Trustees' goals to restore and conserve Sea Turtles; Marine Mammals; Fish and Water Column Invertebrates; and Mesophotic and Deep Benthic Communities under both OPA and NEPA and identified the alternatives that were proposed as preferred for implementation. The Open Ocean TIG provided the public with 79 days to review and comment on the Final RP/EA. The Open Ocean TIG also held a public meeting in Pensacola, FL and held two public webinars to facilitate public understanding of the document and provide opportunity for public comment. The Open Ocean TIG actively solicited public input through a variety of mechanisms, including convening a public meeting, distributing electronic communications, and using the Trustee-wide public website and database to share information and receive public input. The Open Ocean TIG considered the public comments received, which informed the Open Ocean TIG's analysis of alternatives in the Final RP/EA. A summary of the public comments received and the Open Ocean TIG's responses to those comments are addressed in Chapter 5 of the Final RP/EA and all correspondence received are provided in the DWH Administrative Record.

Overview of the Open Ocean TIG Final RP/EA

The Final RP/EA is being released in accordance with OPA NRDA regulations in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA (42 U.S.C. 4321 *et seq.*), the Consent Decree, and the Final PDARP/PEIS.

In the Final RP/EA, the Open Ocean TIG selected the following 18 restoration projects from the following restoration types: Fish and Water Column Invertebrates, Sea Turtles, Marine Mammals, and Mesophotic and Deep Benthic Communities:

Fish and Water Column Invertebrates

- Reduction of Post-Release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries—Preferred, $30,011,000.
- Better Bycatch Reduction Devices for the Gulf of Mexico Commercial Shrimp Trawl Fishery—Preferred, $17,171,000.
- Communication Networks and Mapping Tools to Reduce Bycatch—Phase 1—Preferred, $4,416,000.
- Restoring for Bluefin Tuna via Fishing Depth Optimization—Preferred, $6,175,000.

Sea Turtles

- Gulf of Mexico Sea Turtle Atlas—Preferred, $5,700,000.
- Identifying Methods to Reduce Sea Turtle Bycatch in the Reef Fish Bottom Longline Fishery—Preferred, $290,000.
- Developing a Gulf-wide Comprehensive Plan for In-Water Sea Turtle Data Collection—Preferred, $655,000.
- Developing Methods to Observe Sea Turtle Interactions in the Gulf of Mexico Menhaden Purse Seine Fishery—Preferred, $3,000,000.
- Reducing Juvenile Sea Turtle Bycatch Through Development of Reduced Bar Spacing in Turtle Excluder Devices—Preferred, $2,249,000.
- Long-term Nesting Beach Habitat Protection for Sea Turtles—Preferred, $7,000,000.

Marine Mammals

- Reducing Impacts to Cetaceans During Disasters by Improving Response Activities—Preferred, $4,287,000.
- Compilation of Environmental, Threats, and Animal data for Cetacean Population Health Analyses—Preferred, $5,808,500.
- Reduce Impacts of Anthropogenic Noise on Cetaceans—Preferred, $8,992,200.
- Reduce and Mitigate Vessel Strike Mortality of Cetaceans—Preferred, $3,834,000.

Mesophotic and Deep Benthic Communities

- Mapping, Ground-Truthing, and Predictive Habitat Modeling—Preferred, $35,909,000.
- Habitat Assessment and Evaluation—Preferred, $52,639,000.
- Coral Propagation Technique Development—Preferred, $16,951,000.
- Active Management and Protection—Preferred, $20,689,000.

The Open Ocean TIG also analyzed five additional non-preferred alternatives, as well as a No Action alternative. None of these alternatives were selected at this time. One or more alternatives may be selected for implementation by the Open Ocean TIG in the Final RP/EA or in future restoration plans.

The Open Ocean TIG has examined the injuries assessed by the DWH Trustees and evaluated restoration alternatives to address the injuries. In the Final RP/EA, the Open Ocean TIG presents to the public its final plan for providing partial compensation to the public for injured natural resources and ecological services in the Open Ocean Restoration Area. The proposed alternatives are intended to continue the process of using DWH restoration funding to restore natural resources injured or lost as a result of the *Deepwater Horizon* oil spill. The total estimated cost of the projects proposed as preferred is $225,776,700. Additional restoration planning for the Open Ocean Restoration Area will continue.

In accordance with NEPA and as part of the Final RP/EA, the Trustees issued a FONSI. The FONSI is available in Appendix H of the Final RP II/EA.

Administrative Record

The documents comprising the Administrative Record for the Final RP/EA can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and its implementing Oil Pollution Act Natural Resource Damage Assessment regulations found at 15 CFR part 990 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Dated: November 25, 2019.

Carrie Selberg,

Deputy Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2019–26745 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; National Oceanic and Atmospheric Administration, Office of Education, Educational Partnership Program (EPP) and Ernest F. Hollings Undergraduate Scholarship Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written or on-line comments must be submitted on or before February 10, 2020.

ADDRESSES: Direct all written comments to Adrienne Thomas, PRA Officer, NOAA, 151 Patton Avenue, Room 159, Asheville, NC 28801 (or via the internet at *PRAcomments@doc.gov*). Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Natasha White, 301–628–2906 or *Natasha.White@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The Administrator of the National Oceanic and Atmospheric Administration (NOAA) is authorized by section 4002 of the America COMPETES Act, Public Law 110–69, to establish and administer a Graduate Sciences Program and two undergraduate scholarship programs to enhance understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In addition, NOAA's Administrator is authorized by section 214 of the Consolidated Appropriations Act, 2005, *Public Law 108–447,* to establish and administer the Ernest F. Hollings Undergraduate Scholarship Program to support undergraduate studies in oceanic and atmospheric science, research, technology, and education that support NOAA's mission and programs.

The National Oceanic and Atmospheric Administration (NOAA) Office of Education (OEd) collects, evaluates, and assesses student data and information for the purpose of selecting successful candidates, generating internal NOAA reports, and articles to demonstrate the success of its program.

The purpose of the OEd Educational Partnership Program (EPP) with Minority Serving Institutions is to educate, train and graduate students in NOAA-mission sciences. OEd EPP is strongly committed to broadening the participation of *Minority Serving Institutions* (MSIs) such as Historically Black Colleges and Universities, Hispanic Serving Institutions, Indian Tribally Controlled Colleges and Universities, Alaska Native-Serving Institutions, and Native Hawaiian-Serving Institutions. NOAA's OEd EPP/MSI partnership is comprised of four program components: the Undergraduate Scholarship Program (USP); the Graduate Sciences Program (GSP); the Environmental Entrepreneurship Program (EEP); and the Cooperative Science Center (CSC).

The OEd requires applicants to NOAA's Undergraduate Scholarship Programs to complete an application in order to be considered. The application package requires two faculty and/or academic advisors to complete a NOAA student scholar reference form in support of the scholarship application. The Dr. Nancy Foster Scholarship Program and the NMFS Recruiting, Training and Research Program also

collect student data for their programs and are also covered by this notice. Undergraduate scholarship recipients are required to complete a Student Scholarship Training Record to track their time, attendance, and accomplishments during their internships. NOAA OEd student scholar alumni are also requested to provide information to NOAA for internal tracking purposes. This information informs NOAA whether NOAA-funded students pursue and complete post-graduate NOAA-related science degrees, are employed by NOAA or a NOAA contractor, or in fields related to NOAA's mission. NOAA OEd grant recipients are required to update the student tracker database with the required student information in order to assess compliance with NOAA OEd's performance measures.

The collected data supports NOAA OEd's program performance measures. To measure the impact of OEd programs, the data collected are compared to the available data in the national education databases (*e.g.,* National Science Foundation and National Center for Education Statistics) and NOAA workforce management database. Furthermore, the student data collection identifies degree pipeline areas (BS, MS, or Ph.D.) and where OEd and its academic partners may target recruitment for its' NOAA-related science educational and training programs. NOAA scholarship programs produce a pool of qualified candidates that may be hired by NOAA and help to sustain a world-class NOAA organization.

II. Method of Collection

Electronic applications and electronic forms are required from participants, and the primary methods of submittal are email and internet transmission of electronic forms. Less than 1% of the application and reference forms may be mailed.

III. Data

OMB Control Number: 0648–0568.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 2,358.

Estimated Time per Response: Student tracker database form, 28 hours; undergraduate application form, 12 hours; reference forms, 1 hour; student scholarship training record, 0.5 hours; alumni update form, 6 minutes.

Estimated Total Annual Burden Hours: 11,004.

Estimated Total Annual Cost to Public: $50 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–26777 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RTID 0648–XV146

Fisheries of the Gulf of Mexico and the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of the SEDAR 64 Review Workshop for Southeastern U.S. yellowtail snapper.

SUMMARY: The SEDAR 64 assessment process of Gulf of Mexico and South Atlantic yellowtail snapper will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 64 Review Workshop will be held from 9 a.m. on February 24, 2020 until 6 p.m. on February 26, 2020.

ADDRESSES:

Meeting address: The SEDAR 64 Review Workshop will be held at the Courtyard by Marriott St. Petersburg Downtown, 300 4th Street North, St. Petersburg, FL 33701.

SEDAR address: 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three step process including: (1) Data Workshop; (2) Assessment Process utilizing workshops and 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, 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 non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Review Workshop agenda are as follows:

The Review Panel participants will review the stock assessment reports to

determine if they are scientifically sound.

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 auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 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: December 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–26796 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XV144]

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 68 pre-data-workshop webinar for Gulf of Mexico and Atlantic scamp.

SUMMARY: The SEDAR 68 assessment of Gulf of Mexico and Atlantic scamp will consist of a Data workshop, a series of assessment webinars, and a Review workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 68 pre-data workshop webinar will be held on January 21, 2020, 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@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the data scoping webinar is as follows:

Participants will discuss what data may be available for use in the assessment of Gulf of Mexico and Atlantic scamp.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: December 9, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–26795 Filed 12–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS DELBERT D. BLACK (DDG 119)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for *USS Delbert D. Black* (DDG 119). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This notice is effective December 12, 2019 and is applicable beginning December 3, 2019.

FOR FURTHER INFORMATION CONTACT: Lieutenant Tom Bright, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and

Maritime Law Division (Code 11), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION: Background and Purpose. Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that *USS Delbert D. Black* (DDG 119) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Rule 23(a), the requirement to display a forward and aft masthead light underway; and Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and aft masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwart ship direction.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Approved: December 3, 2019.

D.J. Antenucci,

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

[FR Doc. 2019–26746 Filed 12–11–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED_2019–ICCD–0153]

Agency Information Collection Activities; Comment Request; Formula Grant EASIE Electronic Application System for Indian Education

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 10, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED_2019–ICCD–0153. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kimberly Smith, 202–453–6469.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Formula Grant EASIE Electronic Application System for Indian Education.

OMB Control Number: 1810–0021.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 11,300.

Total Estimated Number of Annual Burden Hours: 9,590.

Abstract: The Indian Education Formula Grant (CFDA 84.060A) requires the annual submission of the application from the local educational agency and/or tribe. The amount of each applicant's award is determined by formula, based upon the reported number of American Indian/Alaska Native students identified in the application, the state per pupil expenditure, and the total appropriation available. Applicants provide the data required for funding electronically, and the Office of Indian Education (OIE) is able to apply electronic tools to facilitate the review and analysis leading to grant awards. The application has been named Formula Grant Electronic Application System for Indian Education (EASIE), and is located in the EDFacts System (ESS) website.

Dated: December 9, 2019.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2019–26780 Filed 12–11–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–528–000]

Lincoln Power, L.L.C.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Lincoln Power, L.L.C.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 26, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26762 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–58–000.

Applicants: Jumbo Hill Wind Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Jumbo Hill Wind Project, LLC.

Filed Date: 12/6/19.

Accession Number: 20191206–5042.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: EG20–59–000.

Applicants: East Fork Wind Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of East Fork Wind Project, LLC.

Filed Date: 12/6/19.

Accession Number: 20191206–5053.

Comments Due: 5 p.m. ET 12/27/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–47–007; ER10–2981–007; ER11–41–007; ER11–46–010; ER12–1540–005; ER12–1541–005; ER12–1542–005; ER12–1544–005; ER12–2343–005; ER13–1896–011; ER14–2475–004; ER14–2476–004; ER14–2477–004; ER14–594–009; ER16–323–003.

Applicants: Appalachian Power Company, AEP Texas Central Company, AEP Retail Energy Partners LLC, AEP Energy Partners, Inc., Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, AEP Energy, Inc., AEP Generation Resources Inc., AEP Texas North Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Ohio Power Company, Ohio Valley Electric Corporation.

Description: Supplement to December 27, 2016 Updated Market Power Analysis in the PJM balancing area authority (Attachment B) of the AEP MBR Companies, et al.

Filed Date: 12/5/19.

Accession Number: 20191205–5191.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER15–230–002; ER12–862–002.

Applicants: GP Energy Management LLC, Power Supply Services LLC.

Description: Notice of Non-Material Change in Status of GP Energy Management LLC, et al.

Filed Date: 12/5/19.

Accession Number: 20191205–5189.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER19–2092–002.

Applicants: GridLiance Heartland LLC.

Description: Tariff Amendment: GHL OATT Deficiency Filing to be effective 12/31/9998.

Filed Date: 12/5/19.

Accession Number: 20191205–5133.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–54–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: Errata Filing—Attachment M Revisions to update Loss Factor of Sunflower to be effective 12/31/9998.

Filed Date: 12/6/19.

Accession Number: 20191206–5059.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–516–000.

Applicants: Cubico Crooked Run Lessee, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority and Request for Waivers, et al. to be effective 12/5/2019.

Filed Date: 12/4/19.

Accession Number: 20191204–5168.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–529–000.

Applicants: Wilderness Line Holdings, LLC.

Description: Baseline eTariff Filing: Windstar LGIA & TSA to be effective 12/31/9998.

Filed Date: 12/5/19.

Accession Number: 20191205–5129.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–530–000.

Applicants: Avista Corporation.

Description: § 205(d) Rate Filing: Avista Corp FERC RS T1163 Saddle Mtn Cert of Concurrence to be effective 12/6/2019.

Filed Date: 12/5/19.

Accession Number: 20191205–5149.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–531–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–12–06_SA 3381 Duke-Greensboro Solar Center GIA (J903) to be effective 11/21/2019.

Filed Date: 12/6/19.

Accession Number: 20191206–5004.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–532–000.

Applicants: New York State Electric & Gas Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205 filing re: Utility Services Agreement (SA 2497) between NYSEG and NEETNY to be effective 11/11/2019.

Filed Date: 12/6/19.

Accession Number: 20191206–5028.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–533–000.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205 filing re: SGIA (SA 2498) between Niagara Mohawk and GR Catalyst Two LLC to be effective 11/26/2019.

Filed Date: 12/6/19.

Accession Number: 20191206–5031.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–534–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: NSP–ITCM–CMA-Huntley-Wilmarth-345kV-Agrmt to be effective 10/31/2019.

Filed Date: 12/6/19.

Accession Number: 20191206–5070.

Comments Due: 5 p.m. ET 12/27/19.

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: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26757 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1835–290]

Nebraska Public Power District; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

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

a. *Application Type:* Amendment of License.

b. *Project No:* 1835–290.

c. *Date Filed:* November 13, 2019.

d. *Applicant:* Nebraska Public Power District.

e. *Name of Project:* North Platte/Keystone Division Dam Hydroelectric Project.

f. *Location:* The project is located on the North and South Platte Rivers in Lincoln and Keith counties in south-central Nebraska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a—825r.

h. *Applicant Contact:* John Shadle, Nebraska Public Power District, P.O. Box 0499, Columbus, Nebraska 68602–0499, (402) 563–5489 or *jjshadl@nppd.com.*

i. *FERC Contact:* Mr. Jon Cofrancesco, (202) 502–8951 or *Jon.Cofrancesco@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests: January 6, 2020.

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/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,* (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–1835–290. Comments emailed to Commission staff are not considered part of the Commission record.

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 whose name appears 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:* Nebraska Public Power District (licensee) proposes to dredge and expand the project's South Platte Supply Canal near the Korty Diversion Dam, construct a new sediment basin in the canal, and a new sediment disposal area to allow the licensee to return the South Platte Supply Canal back into operation for hydropower production. The canal has not been operational since 2015, due to a high flow event. The proposed facilities and features would be located on licensee-owned land outside the current project boundary. The licensee proposes to expand the current boundary to include the proposed facilities and features.

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* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

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, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and

Procedure, 18 CFR 385.210, .211, .214, respectively. 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, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, MOTION TO INTERVENE, RECOMMENDATIONS, or TERMS AND CONDITIONS as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor 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: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26763 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12766–007]

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments: Green Mountain Power Corporation

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

a. *Type of Application:* New License for Transmission Line Project.

b. *Project No.:* 12766–007.

c. *Date filed:* November 22, 2019.

d. *Applicant:* Green Mountain Power Corporation (Green Mountain Power).

e. *Name of Project:* Clay Hill Road Line 66 Transmission Project.

f. *Location:* Along Clay Hill Road in the town of Hartland, Windsor County, Vermont. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* John Greenan, Green Mountain Power Corporation, 2152 Post Road, Rutland, VT 05701; Phone at (802) 770–2195, or email at *John.Greenan@greenmountainpower.com.*

i. *FERC Contact:* Bill Connelly at (202) 502–8587, or *william.connelly@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: January 21, 2020.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–12766–007.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The existing Clay Hill Road Line 66 Transmission Project consists of: (1) A 2.3-mile-long, 12.5-kilovolt, three-phase electrical line mounted on top of Green Mountain Power Corporation's regional distribution line (Line 66) along Clay Hill Road from Pole 115 to 62x; and (2) appurtenant facilities. The project serves as a primary transmission line for the North Hartland Project No. 2816.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Procedural schedule and final amendments: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary)—January 2020

Request Additional Information—January 2020

Issue Acceptance Letter—April 2020

Issue Scoping Document 1 for comments—May 2020

Request Additional Information (if necessary)—July 2020

Issue Scoping Document 2—August 2020

Issue Notice of Ready for Environmental Analysis—August 2020

Commission issues Environmental Assessment—February 2021

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26765 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–516–000]

Cubico Crooked Run Lessee, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Cubico Crooked Run Lessee, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 26, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26761 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–47–010; ER11–41–010; ER11–46–013; ER12–1540–008; ER12–1541–008; ER12–1542–008; ER12–1544–008; ER12–2343–008; ER13–1896–014; ER14–594–012; ER16–323–006; ER17–1930–002; ER17–1931–002; ER17–1932–002.

Applicants: Appalachian Power Company, AEP Retail Energy Partners LLC, AEP Energy Partners, Inc., Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, AEP Energy, Inc., AEP Generation Resources Inc., Ohio Power Company, Ohio Valley Electric Corporation, Public Service Company of Oklahoma, AEP Texas Inc., Southwestern Electric Power Company.

Description: Supplement to May 22, 2019 Notice of Non-Material Change in Status (Attachment B) of the AEP Companies, et al.

Filed Date: 12/5/19.

Accession Number: 20191205–5190.

Comments Due: 5 p.m. ET 12/26/19.

Docket Numbers: ER20–535–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA NITSA (SE Idaho Area) Rev 5 to be effective 12/1/2019.

Filed Date: 12/6/19.

Accession Number: 20191206–5093.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–536–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2019–12–06 EIM Implementation Agreement with Bonneville Power Administration to be effective 3/2/2020.

Filed Date: 12/6/19.

Accession Number: 20191206–5110.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–537–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to 1st Revised ISA No. 1365, Queue #H21_W68/K11 (amend) to be effective 7/5/2005.

Filed Date: 12/6/19.

Accession Number: 20191206–5124.

Comments Due: 5 p.m. ET 12/27/19.

Docket Numbers: ER20–538–000.

Applicants: Southwestern Electric Power Company.

Description: § 205(d) Rate Filing: Restated and Amended Rayburn PSA to be effective 12/6/2019.

Filed Date: 12/6/19.

Accession Number: 20191206–5131.

Comments Due: 5 p.m. ET 12/27/19.

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: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26758 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10853–022]

Otter Tail Power Company; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

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.:* 10853–022.

c. *Date Filed:* November 27, 2019.

d. *Applicant:* Otter Tail Power Company.

e. *Name of Project:* Otter Tail River Hydroelectric Project.

f. *Location:* The Otter Tail River Hydroelectric Project consists of five developments on the Otter Tail River that starts in the Township of Friberg, Minnesota and extends downstream (south) of the City of Fergus Falls, Minnesota. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Michael Olson, Natural Gas Turbine Operations and NERC Compliance, Otter Tail Power Company, 215 South Cascade Street, Fergus Falls, Minnesota 56537; (218) 739–8411; *mjolson@otpco.com.*

i. *FERC Contact:* Patrick Ely at (202) 502–8570 or email at *patrick.ely@ferc.gov*.

j. This application is not ready for environmental analysis at this time.

k. The Otter Tail River Project consists of the following five existing developments listed upstream to downstream: (1) Friberg development; (2) Hoot development; (3) Central development; (4) Pisgah development; and (5) Dayton Hollow development.

The Friberg development consists of: (1) A reservoir with a surface area of 340 acres, and negligible storage capacity, at a normal water surface elevation of 1,299 feet mean sea level (msl); (2) a 341-foot-long dam which contains a 31-foot-high and 61-foot-long spillway with seven bays, an 80-foot-long and 36-foot-high east earthfill dike, and a 200-foot-long and 36-foot-high west earthfill dike; (3) a power canal; (4) a 194-foot-long, 9-foot-diameter penstock; (5) a 27-foot-wide and 27-foot-long reinforced concrete powerhouse; (6) a vertical turbine rated at 900 horsepower (hp) under a head of 35 feet, connected to a 560-kilowatt (kW) generator; (7) a tailrace; (8) a 75-foot-long, 2.4-kilovolt (kV) transmission line; and (9) appurtenant facilities.

The Hoot development facilities include: (1) A reservoir with a negligible surface area and storage capacity (dam diverts river flow) at a normal water surface elevation of 1,256 feet msl; (2) a 150-foot-long, 9-foot-high dam which contains a concrete spillway with six stoplogged openings with the two outer openings 5 feet 4 inches wide and the other four openings 11 feet 4 inches wide; (3) a 500-foot-long, 90-inch-diameter concrete tunnel (Hoot Lake); (4) a 20-foot-wide, 700-foot-long channel between Hoot Lake and Wright Lake; (5) a 20-foot-wide, 300-foot-long channel leading to the intake structure; (6) a 1,050-foot-long, 8-foot-square concrete tube; (7) a surge tank; (8) an 89-foot-long, 6-foot-diameter steel penstock; (9) a reinforced concrete powerhouse; (10) a horizontal turbine rated at 1,260 hp under a head of 68 feet connected to a 1,000-kw generator; (11) a tailrace; (12) a 200-foot-long, 2.4-kV transmission line; (13) a nature-like fishway; and (14) appurtenant facilities.

The Central development consists of: (1) A reservoir having a surface area of 15 acres and a storage capacity of 400 acre-feet, at a normal water surface elevation of 1,181 feet msl; (2) a 107-foot-long and 25-foot-high dam which contains a 70-foot-long and 25-foot-high spillway; (3) an intake structure; (4) a 30-foot-wide and 40-foot-long brick masonry powerhouse; (5) a vertical turbine rated at 720 hp under a head of 22 feet, connected to a 400-kW generator; (6) a tailrace; (7) a 40-foot-long, 2.4-kV transmission line; and (8) appurtenant facilities.

The Pisgah development consists of: (1) A reservoir having a surface area of 70 acres and storage capacity of 250 acre-feet at a normal water surface elevation of 1,156 feet msl; (2) a 493-foot-long concrete gravity and earthfill dam ranging in height from 21 feet to 38 feet which has (a) an earthfill dike, (b) a 123-foot-long and 38-foot-high concrete wing wall, (c) six spillway bays, (d) a 150-foot-long and 21-foot-high south earthfill embankment, and (e) a 220-foot-long and 38-foot-high north earthfill embankment; (3) an intake; (4) a 22-foot-wide and 32-foot-long reinforced concrete and brick masonry powerhouse; (5) a vertical turbine rated at 850 hp under a head of 25 feet, connected to a 520-kW generator; (6) a tailrace; (7) a 330-foot-long, 2.4-kV transmission line; and (8) appurtenant facilities.

The Dayton Hollow development consists of: (1) A reservoir having a surface area of 230 acres and a storage capacity of 5,000 acre-feet at a normal water surface elevation of 1,107 feet msl; (2) a 265-foot-long concrete and earthfill dam varying in height from 11 feet to 40 feet which contains (a) an 80-foot-long and 40-foot-high concrete spillway section, (b) a 95-foot-long and 11-foot-high east earthfill embankment, and (c) a 90-foot-long and 22-foot-high west earthfill embankment; (3) an intake structure; (4) a 22-foot-wide and 32-foot-long reinforced concrete and masonry powerhouse; (5) a vertical turbine rated at 800 hp under a head of 35 feet, connected to a 520-kW generator and a horizontal 650 hp turbine connected to a 450-kW generator; (6) a tailrace; (7) an 80-foot-long, 2.4-kV transmission line; and (8) appurtenant facilities.

The Otter Tail River Project is operated in a run-of-river mode with an estimated annual energy production of approximately 22,323 megawatt hours. Otter Tail Power Company proposes to continue operating the project as a run-of-river facility and does not propose any new construction or modifications to the project.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in item h above.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis.	April 2020.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions.	June 2020.
Commission issues Environmental Assessment (EA).	November 2020.
Comments on EA	December 2020.
Modified terms and conditions.	February 2021.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26764 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

Thermo Cogeneration Partnership, L.P	EG19–179–000
Peyton Creek Wind Farm, LLC	EG19–180–000
SR Hazlehurst III, LLC	EG19–181–000
Blue Summit III Wind, LLC	EG19–182–000
Airport Solar LLC	EG19–183–000
Heart of Texas Wind, LLC	EG19–184–000
Isabella Wind, LLC	EG19–185–000
224WB 8me LLC	EG19–186–000
Bronco Plains Wind, LLC	EG19–187–000
Poseidon Wind, LLC	EG19–188–000
Bearkat Wind Energy II LLC	EG19–189–000
Camilla Solar Energy LLC	EG19–190–000
Tenaska Clear Creek Wind, LLC	EG19–191–000

Take notice that during the month of November, 2019, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2019).

Dated: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26760 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–474–000]

Florida Gas Transmission Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Putnam Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Putnam Expansion Project, proposed by Florida Gas Transmission Company, LLC (Florida Gas) in the above-referenced docket. Florida Gas requests authorization to provide 169,000 million British thermal units per day (MMBtu/d) of natural gas to subscribed Project shippers. Florida Gas also requests approval to upgrade facilities at Compressor Station 18 to increase reliability to existing shippers. The Project includes modifications to existing facilities and installation of new pipeline loops in Columbia, Union, Putnam, Clay, and Orange counties, Florida.

The EA assesses the potential environmental effects of the construction and operation of the Putnam Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The Putnam Expansion Project would consist of the following facilities in Florida:

- *West Loop*—install 13.7 miles of 30-inch-diameter pipeline loop [1] in Columbia and Union Counties;
- *East Loop*—install 7.0 miles of 30-inch-diameter pipeline loop in Clay and Putnam Counties;
- *Columbia/Union Receiver Station Relocation*—remove and relocate the existing 30-inch-diameter loop pig receiver located at the beginning of the West Loop in Columbia County to a new pig receiver station to be installed at the terminus of the West Loop in Union County;
- *Clay/Putnam Receiver Station Relocation*—remove and relocate the existing 30-inch-diateter loop pig receiver located at the beginning of the East Loop in Clay County to a new pig receiver station to be installed at the terminus of the East Loop in Putnam County;
- *Compressor Station (CS) 18*—install new automated valves, over pressure protection device, and station piping at Florida Gas's existing CS 18 in Orange County, Florida.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.* CP19–474). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on January 6, 2020.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. You must select the type of filing you are making. If you

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity. A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19-474–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission may grant affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: December 6, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–26759 Filed 12–11–19; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (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 applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th and Constitution Avenue NW, Washington DC 20551–0001, not later than December 26, 2019.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *James Bellinson, Bloomfield Township, Michigan;* individually, and together with Eric Todd, York Township, Michigan; Neil Glaser, Brooklyn, New York; and Susan Bellinson, City Island, New York, as members of a group acting in concert to acquire voting shares of Level One Bancorp, Inc., and thereby indirectly acquire voting shares of Level One Bank, both of Farmington Hills, Michigan.

2. *The Triller/Schwertfeger Voting Trust, Frederick F. Schwertfeger, Brookfield, Wisconsin, trustee; the Horicon Bank Profit Sharing and Employee Stock Ownership Trust, Frederick F. Schwertfeger, trustee; Frederick F. Schwertfeger; Frederick C. Schwertfeger, Elm Grove, Wisconsin; Alexandra G. Solanki, Wauwatosa, Wisconsin; and Gail M. Jones, Woodinville, Washington;* as members of a group acting in concert with the Schwertfeger Family Control Group to retain voting shares of Sword Financial Corporation and thereby indirectly retain voting shares of Horicon Bank, both of Horicon, Wisconsin.

Board of Governors of the Federal Reserve System, December 6, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–26726 Filed 12–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Y–12 Plant in Oak Ridge, Tennessee, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Grady Calhoun, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 513–533–6800. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION: On October 25, 2019, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Y–12 Plant in Oak Ridge, Tennessee, during the period between January 1, 1977, and July 31, 1979, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on November 24, 2019. Therefore, beginning on November 24, 2019, members of this class of employees, defined as reported in this notice, became members of the SEC.

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

John J. Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2019–26748 Filed 12–11–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the West Valley Demonstration Project in West Valley, New York, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Grady Calhoun, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 513–533–6800. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION: On October 25, 2019, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employees who worked at the West Valley Demonstration Project in West Valley, New York, during the period from January 1, 1969, through December 31, 1973, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on November 24, 2019. Therefore, beginning on November 24, 2019, members of this class of employees, defined as reported in this notice, became members of the SEC.

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

John J. Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2019–26747 Filed 12–11–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–20–0020; Docket No. CDC–2019–0109]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period; Withdrawal.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces the withdrawal of the notice published under the same title on December 6, 2019 for public comment.

DATES: December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: On December 6, 2019 CDC published a notice in the **Federal Register** titled ''Proposed Data Collection Submitted for Public Comment and Recommendations'' (84 FR 66902). This notice with **Federal Register** Document 2019–26370 and Docket number CDC–2019–0109, was published prematurely and inadvertently. The notice is being withdrawn immediately for public comment. A new notice will be published at a later date for public comment.

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–26692 Filed 12–11–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2529]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRIVIACT ORAL SOLUTION, New Drug Application 205838

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BRIVIACT ORAL SOLUTION and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by February 10, 2020. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 9, 2020. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 February 10, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 10, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–2529 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BRIVIACT ORAL SOLUTION.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that, if a patent is eligible for extension under these acts, the patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until the drug product ''was approved'' within the meaning of 35 U.S.C. 156. In the case of a drug recommended for controls under the Controlled Substances Act (CSA), for purposes of patent term extension, a drug is considered to have been approved on the later of the date the application to market the drug is approved or the date of issuance of the interim final rule controlling the drug. (See 35 U.S.C. 156(i)). Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product BRIVIACT ORAL SOLUTION (brivaracetam) under new drug application (NDA) 205838. BRIVIACT ORAL SOLUTION is indicated for adjunctive therapy in the treatment of partial-onset seizures in patients 16 years of age and older with epilepsy. Subsequent to this approval, the USPTO received a patent term restoration application for BRIVIACT ORAL SOLUTION (U.S. Patent No. 8,492,416) from UCB Biopharma SPRL and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated January 18, 2017, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of BRIVIACT ORAL SOLUTION represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BRIVIACT ORAL SOLUTION is 4,293 days. Of this time, 3,753 days occurred during the testing phase of the regulatory review period, while 540 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* August 12, 2004. The applicant claims December 22, 2010, as the date the investigational new drug application (IND) became effective. However, according to FDA records, this IND was not the first IND received for this active ingredient. In general, FDA has used the first IND submitted for investigation of the active ingredient of the drug product as the beginning of the testing phase, if information derived from this first IND was or could have been relied on or was relevant for approval to market the drug product. FDA records indicate that the effective date of the first IND for brivaracetam was August 12, 2004, which was 30 days after FDA receipt of this first IND. This is the same IND and

the same date FDA determined was the beginning of the regulatory review period for BRIVIACT ORAL TABLETS approved under NDA 205836 and for BRIVIACT INJECTION approved under NDA 205837. The regulatory review period determinations for BRIVIACT ORAL TABLETS and BRIVIACT INJECTION are published in this issue of the **Federal Register**.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* November 20, 2014. FDA has verified the applicant's claim that the NDA for BRIVIACT ORAL SOLUTION (NDA 205838) was initially submitted on November 20, 2014.

3. *For a drug recommended for controls under the CSA, the later of the date the NDA was approved under section 505 of the FD&C Act or the date of issuance of the interim final rule controlling the drug:* May 12, 2016. FDA has verified the applicant's claim that NDA 205838 was approved on February 18, 2016. FDA has also verified that the date of issuance of the interim final rule controlling the drug, placing BRIVIACT ORAL SOLUTION (brivaracetam) in schedule V of the CSA as revised by the Improving Regulatory Transparency for New Medical Therapies Act, was May 12, 2016.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 698 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: December 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–26814 Filed 12–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0417]

Request for Nominations on the National Mammography Quality Assurance Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that any industry organizations interested in participating in the selection of nonvoting industry representatives to serve on the National Mammography Quality Assurance Advisory Committee in the Center for Devices and Radiological Health notify FDA in writing. FDA is also requesting nominations for a nonvoting industry representative to serve on the National Mammography Quality Assurance Advisory Committee. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for current and upcoming vacancies effective with this notice.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to FDA by January 13, 2020 (see sections I and II of this document for further details). Concurrently, nomination materials for prospective candidates should be sent to FDA by January 13, 2020.

ADDRESSES: All statements of interest from industry organizations interested in participating in the selection process of nonvoting industry representative nomination should be sent to Margaret Ames (see **FOR FURTHER INFORMATION CONTACT**). All nominations for a nonvoting industry representative should be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Margaret Ames, Division of Management Services, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5213, Silver Spring, MD 20993, 301–796–5960, Fax: 301–847–8505, email: *margaret.ames@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency is requesting nominations for a nonvoting industry representative on the National Mammography Quality Assurance Advisory Committee:

I. General Description of the Committee Duties

The Committee shall advise FDA on: (1) Developing appropriate quality standards and regulations for mammography facilities; (2) developing appropriate standards and regulations for bodies accrediting mammography facilities under this program; (3) developing regulations with respect to sanctions; (4) developing procedures for monitoring compliance with standards; (5) establishing a mechanism to investigate consumer complaints; (6) reporting new developments concerning breast imaging that should be considered in the oversight of mammography facilities; (7) determining whether there exists a shortage of mammography facilities in rural and health professional shortage areas and determining the effects of personnel on access to the services of such facilities in these areas; (8) determining whether there will exist a sufficient number of medical physicists after October 1, 1999; and (9) determining the costs and benefits of compliance with these requirements.

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication

of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current résumés. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

III. Nomination Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Nominations must include a current, complete résumé or curriculum vitae for each nominee and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**). Nominations must also specify the advisory committee for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.)

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and therefore encourages nominations of appropriately qualified candidates from these groups. Specifically, in this document, nominations for a nonvoting representative of industry interests are encouraged from the mammography manufacturing industry.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: December 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–26735 Filed 12–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2525]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRIVIACT INJECTION New Drug Application 205837

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BRIVIACT INJECTION and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by February 10, 2020. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 9, 2020. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 February 10, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 10, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–2525 for Determination of Regulatory Review Period for Purposes of Patent Extension; BRIVIACT INJECTION. 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that, if a patent is eligible for extension under these Acts, the patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until the drug product ''was approved'' within the meaning of 35 U.S.C. 156. In the case of a drug recommended for controls under the Controlled Substances Act (CSA), for purposes of patent term extension the date of approval is the later of the date the application to market the drug is approved or the date of issuance of the interim final rule controlling the drug. See 35 U.S.C. 156(i). Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, BRIVIACT INJECTION (brivaracetam) under new drug application (NDA) 205837. BRIVIACT INJECTION is indicated for treatment of partial-onset seizures in patients 16 years of age and older with epilepsy. Subsequent to this approval, the USPTO received a patent term restoration application for BRIVIACT INJECTION (U.S. Patent No. 6,784,197) from UCB Biopharma SPRL and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated January 18, 2017, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of BRIVIACT INJECTION, NDA 205837, represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BRIVIACT INJECTION, NDA 205837, is 4,293 days. Of this time, 3,753 days occurred during the testing phase of the regulatory review period, while 540 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* August 12, 2004. The applicant claims November 30, 2008, as the date the investigational new drug application (IND) became effective. However, according to FDA records, this IND was not the first IND received for this active ingredient. In general, FDA has used the first IND submitted for investigation of the active ingredient of the drug product as the beginning of the testing phase, if information derived from this first IND was or could have been relied on or was relevant for approval to market the drug product. FDA records indicate that the effective date of the first IND for brivaracetam was August 12, 2004, which was 30 days after FDA receipt of this first IND. This is the same IND and the same date FDA determined was the beginning of the regulatory review period for BRIVIACT ORAL TABLETS approved under NDA 205836 and for BRIVIACT ORAL SOLUTION approved under NDA 205838. The regulatory review period determinations for BRIVIACT ORAL TABLETS and BRIVIACT ORAL SOLUTION are publishing in this issue of the **Federal Register**.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* November 20, 2014. FDA has verified the applicant's claim that NDA 205837 for BRIVIACT INJECTION was initially submitted on November 20, 2014.

3. *For a drug recommended for controls under the CSA, the later of the date the new drug application was approved under section 505 of the FD&C Act or the date of issuance of the interim final rule controlling the drug:* May 12, 2016. FDA has verified the applicant's claim that NDA 205837 was approved on February 18, 2016. FDA has also verified that the date of issuance of the interim final rule controlling the drug, placing brivaracetam in Schedule V of the CSA as revised by the Improving Regulatory Transparency for New Medical Therapies Act, was May 12, 2016.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,547 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To

meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: December 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–26812 Filed 12–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2528]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRIVIACT ORAL TABLETS, New Drug Application 205836

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BRIVIACT ORAL TABLETS and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by February 10, 2020. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 9, 2020. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

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 February 10, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 10, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

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- *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–2016–E–2528 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BRIVIACT ORAL TABLETS.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that, if a patent is eligible for extension under these acts, the patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until the drug product ''was approved'' within the meaning of 35 U.S.C. 156. In the case of a drug recommended for controls under the Controlled Substances Act (CSA), for purposes of patent term extension the date of approval is the later of the date the application to market the drug is approved or the date of issuance of the interim final rule controlling the drug. (See 35 U.S.C. 156(i)). Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product BRIVIACT ORAL TABLETS (brivaracetam) under new drug application (NDA) 205836. BRIVIACT ORAL TABLETS is indicated for adjunctive therapy in the treatment of partial-onset seizures in patients 16 years of age and older with epilepsy. Subsequent to this approval, the USPTO received a patent term restoration application for BRIVIACT ORAL TABLETS (U.S. Patent No. 6,911,461) from UCB Biopharma SPRL and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated January 18, 2017, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of BRIVIACT ORAL TABLETS represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BRIVIACT ORAL TABLETS is 4,293 days. Of this time, 3,753 days occurred during the testing phase of the regulatory review period, while 540 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* August 12, 2004. FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was August 12, 2004. This IND was the first IND submitted for investigation of this active ingredient.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* November 20, 2014. FDA has verified the applicant's claim that the NDA for BRIVIACT ORAL TABLETS (NDA 205836) was initially submitted on November 20, 2014.

3. *For a drug recommended for controls under the CSA, the later of the date the NDA was approved under section 505 of the FD&C Act or the date of issuance of the interim final rule controlling the drug:* May 12, 2016. FDA has verified the applicant's claim that NDA 205836 was approved on February 18, 2016. FDA has also verified that the date of issuance of the interim final rule controlling the drug, placing BRIVIACT ORAL TABLETS (brivaracetam) in schedule V of the CSA as revised by the Improving Regulatory Transparency for New Medical Therapies Act, was May 12, 2016.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: December 6, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–26813 Filed 12–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Advancing Translational Sciences Advisory Council.

The meeting will be open to the public as indicated below, viewing virtually by WebEx. Individuals can register to view and access the meeting by the link below.

https://nih.webex.com/nih/onstage/g.php?MTID=e56b929e2a7d82a92a5e58e040d7d103d

1. Go to ''Event Status'' on the left-hand side of page, then click ''Register''. On the registration form, enter your information and then click ''Submit'' to complete the required registration.

2. You will receive a personalized email with the live event link.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Advisory Council.

Date: January 16, 2020.

Closed: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Open: 12:00 p.m. to 5:00 p.m.

Agenda: Report from the Institute Director and other staff.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, National Institutes of Health, One Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809, *anna.ramseyewing@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 6, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–26710 Filed 12–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Cures Acceleration Network Review Board.

The meeting will be open to the public as indicated below, viewing virtually by WebEx. Individuals can register to view and access the meeting by the link below.

https://nih.webex.com/nih/onstage/g.php?MTID=e56b929e2a7d82a92a5e58e040d7d103d

1. Go to ''Event Status'' on the left-hand side of page, then click ''Register''. On the registration form, enter your information and then click ''Submit'' to complete the required registration.

2. You will receive a personalized email with the live event link.

Name of Committee: Cures Acceleration Network Review Board.

Date: January 16, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: Report from the Institute Director.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, National Institutes of Health, One Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809 *anna.ramseyewing@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 6, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–26711 Filed 12–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Charter Renewal

It is determined that the Advisory Committee to the Deputy Director for Intramural Research, National Institutes of Health, is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the Advisory Committee to the Deputy Director for Intramural Research, National Institutes of Health, was renewed for an additional two-year period on August 15, 2019.

Inquiries may be directed to Claire Harris, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *harriscl@od.nih.gov.*

Dated: December 6, 2019.

Natasha M. Copeland,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–26709 Filed 12–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0063]

Agency Information Collection Activities: Petroleum Refineries in Foreign Trade Sub-Zones

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than January 13, 2020) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP

programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (84 FR 53163) on October 4, 2019, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Petroleum Refineries in Foreign Trade Sub-zones.

OMB Number: 1651–0063.

Abstract: The Foreign Trade Zones Act, 19 U.S.C. 81c(d) contains specific provisions for petroleum refinery sub-zones. It permits refiners and CBP to assess the relative value of such products at the end of the manufacturing period during which these products were produced when the actual quantities of these products resulting from the refining process can be measured with certainty.

19 CFR 146.4(d) provides that the operator of the refinery sub-zone is required to retain all records relating to the above mentioned activities for five years after the merchandise is removed from the sub-zone. Further, the records shall be readily available for CBP review at the sub-zone.

Instructions on compliance with these record keeping provisions are available in the Foreign Trade Zone Manual which is accessible at: *http://www.cbp.gov/document/guides/foreign-trade-zones-manual.*

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 81.

Estimated Number of Total Annual Responses: 81.

Estimated Time per Response: 1,000 hours.

Estimated Total Annual Burden Hours: 81,000.

Dated: December 9, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–26800 Filed 12–11–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0074]

Agency Information Collection Activities: Prior Disclosure

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than January 13, 2020) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (84 FR 53164) on October 4, 2019, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Prior Disclosure.
OMB Number: 1651–0074.
Form number: N/A.
Abstract: The Prior Disclosure program establishes a method for a potential violator to disclose to CBP that they have committed an error or a violation with respect to the legal requirements of entering merchandise into the United States, such as underpaid tariffs or duties, or misclassified merchandise. The procedure for making a prior disclosure is set forth in 19 CFR 162.74 which requires that respondents submit information about the merchandise involved, a specification of the false statements or omissions, and what the true and accurate information should be. A valid prior disclosure will entitle the disclosing party to the reduced penalties pursuant to 19 U.S.C. 1592(c)(4).
Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.
Type of Review: Extension (without change).
Affected Public: Businesses.
Estimated Number of Respondents: 3,500.
Estimated Number of Annual Responses: 3,500.
Estimated Time per Response: 1 hour.
Estimated Total Annual Burden Hours: 3,500.

Dated: December 9, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–26799 Filed 12–11–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–53]

Notice of Proposed Information Collection: 30 Day 2502–0540 Nonprofit Application and Recertification for FHA Mortgage Insurance Programs

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: January 13, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, Room 9120 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Kevin Stevens, Director, Home Mortgage Insurance Division, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–2121 (this is not a tollfree number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** that solicited public comments on the information for a period of 60 days was published on July 23, 2019.

A. Overview of Information Collection

Title of Information Collection: Nonprofit Application and Recertification for FHA Mortgage Insurance Programs.
OMB Control Number, if applicable: 2502–0540.
Type of Request: Extension.
Description of the need for the information and proposed use: A nonprofit organization must apply for HUD-approval, and be placed on the HUD Nonprofit Roster (Roster) to participate in FHA's Single Family Nonprofit Programs. Nonprofits must submit a recertification package every two years to retain approval and remain on the Roster. HUD uses the information to ensure that a nonprofit organization meets the requirements to participate in Single Family Nonprofit programs.
Agency form numbers, if applicable: None.
Respondents: Nonprofit organizations.
Estimation of the total numbers of hours needed to prepare the information collection:
Estimated Number of Respondents: 435.
Estimated Number of Responses: 769.95.
Frequency of Response: 1.77.
Average Hours per Response: 11.99.
Total Estimated Burdens: 9,231.70.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: November 12, 2019.

Colette Pollard,

Department Reports Management Officer, Officer of the Chief Information Officer.

[FR Doc. 2019–26696 Filed 12–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–54]

30-Day Notice of Proposed Information Collection: FHA-Insured Mortgage Loan Servicing Involving the Loss Mitigation Programs 2502–0589

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 additional days of public comment.

DATES: *Comments Due Date:* January 13, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Ivery W. Himes, Director, Office of Single Family Asset Management (OSFAM), Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Ivery Himes at *Ivery.W.Himes@hud.gov* or telephone 202–708–1672. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Himes.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** that solicited public comments on the information for a period of 60 days was published on July 2, 2019.

A. Overview of Information Collection

Title of Information Collection: FHA-Insured Mortgage Loan Servicing Involving the Loss Mitigation Program.

OMB Approval Number: 2502–0589.

Type of Request: Extension.

Form Numbers: HUD–27011, HUD–90035, HUD–90041, HUD–90045, HUD–90051, HUD–90052.

Description of the need for the information and proposed use: FHA's Loss Mitigation program/options (24 CFR 203.501) and incentives efforts provide mortgagees with reimbursement for using tools to bring a delinquent FHA-insured mortgage loan current in as short a time as possible, to provide an alternative to foreclosure to the extent possible, and to minimize losses to the Mutual Mortgage Insurance Fund. Home retention options promote reinstatement of the mortgage, allowing the mortgagor to retain home ownership, while disposition options assist mortgagors who cannot recover with an alternative to foreclosure. The HUD forms used are part of the collection effort for non-performing insured mortgage loans.

Respondents (*i.e.* affected public): Mortgagees or Mortgagors.

Estimated Number of Respondents: 414,022.

Estimated Number of Responses: 1,896,394.69.

Frequency of Response: 4.5804201.

Average Hours per Response: 0.63554.

Total Estimated Burdens: 1,205,234.68.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: November 12, 2019.

Colette Pollard,

Department Reports Management Officer, Officer of the Chief Information Officer.

[FR Doc. 2019–26697 Filed 12–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–55]

30-Day Notice of Proposed Information Collection: National Standards for the Physical Inspection of Real Estate (NSPIRE) Demonstration 2577–0289

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 additional days of public comment. This Information Collection was previously approved as an Emergency PRA, with the specific intent of expeditiously testing revisions to the inspection standards and protocol through a demonstration program to enable enhanced identification and resolution of health and safety deficiencies in HUD-assisted/insured housing. Due to the urgency to expedite the Emergency PRA, a mathematical error was noted in the burden requirement and corrections have been made accordingly. A revision to correct the burden hours is being requested to correct the hours from 11,950 to 12,150 burden hours.

DATES: *Comments Due Date:* January 13, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 14, 2019.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: National Standards for the Physical Inspection of Real Estate (NSPIRE) Demonstration.

OMB Approval Number: 2577–0289.

Type of Request: Revision of a currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: HUD's

Real Estate Assessment Center (REAC) has developed a new inspection model entitled the National Standards for the Physical Inspection of Real Estate (NSPIRE). Prior to nationwide implementation, REAC will test NSPIRE through a multistage Demonstration to identify potential adjustments to standards, protocols, and processes. HUD will ask public housing agencies (PHAs), and owners and agents (OAs) (collectively referred to as POAs) to participate in this Demonstration through a voluntary application process and plans to test this model with approximately 4,500 properties.

HUD is developing a standardized electronic system and data exchange standard for this collection and will distribute self-inspection software for properties to collect and submit this data electronically. Within the scope of this collection, HUD requests the following information from participating POAs: An annual self-inspection report or work order receipts; a property profile; copies of building system certificates; local code violations over the rolling calendar year; and participation in feedback sessions.

1. Many POAs have statutory, regulatory, or housing program contractual requirements to conduct an annual self-inspection of the property, including all the dwelling units. POAs will be provided with self-inspection software that will enable them to easily document and submit deficiencies across the rolling calendar year. In lieu of submitting a self-inspection report, POAs can electronically submit work order receipts from across the rolling calendar year. This data provides reasonable assurance that every dwelling unit was evaluated for deficiencies and maintenance needs.

2. POAs will submit a property profile documenting the: Owner company name, physical address, type of housing (*e.g.* Section 8), structure type, number of buildings, number of floors, number of units, if there is an attached garage, types of fuel-burning appliances, and an updated floor plan.

3. POAs will submit an electronic copy of all building system certificates. These certificates include but are not limited to elevators, fire alarm systems (including carbon monoxide detectors if part of the fire alarm system), sprinkler systems, boilers (HVAC or domestic water), and lead-based paint inspection reports. HUD believes that it is important for POAs to provide this information annually as the inoperability of these systems can have a substantial effect on the resident.

4. POAs will submit a list of local code violations for which the property was cited over the rolling calendar year. HUD regulations, at 24 CFR 5.703(g), require HUD housing to adhere to local code. HUD believes that compliance (or non-compliance) with local code can serve as an important indicator as to whether a property is conducting regular maintenance and whether it is providing acceptable basic housing conditions.

5. Finally, HUD will ask 900 POAs to provide feedback on the NSPIRE Demonstration via one in-person listening session. With this information, HUD will be better able to refine inspection standards and protocols, ensuring resident housing is decent, safe, sanitary, and in good repair.

Without information from the property's annual self-inspection, HUD's interests will not be protected, and HUD will not be able to easily identify risks due to neglected maintenance. Analyzing self-inspection data will allow HUD to better identify these risks and improve the accuracy of property assessments, the consistency of inspections, and ultimately to provide residents with quality affordable housing.

Respondents: POAs participating in the NSPIRE Demonstration.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
	35,000	0.1285715	4,500	2.7 hours per property.	12,150	$22.76	$276,534

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: November 12, 2019.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–26695 Filed 12–11–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2019–0108; FXIA16710900000–201–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity

otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by January 13, 2020.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2019–0108.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2019–0108.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2019–0108; U.S. Fish and Wildlife Service Headquarters, MS: PERMA; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2104, via email at *DMAFR@fws.gov,* or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *http://www.regulations.gov,* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations (CBWs), and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: Sea Turtle Conservancy, Gainesville, FL; Permit No. 56757D

The applicant requests authorization to import blood and tissue samples of live or gut contents from dead hawksbill sea turtles (*Eretmochelys imbricata*) and Kemp's ridley sea turtles (*Lepidochelys kempii*) from Bermuda for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Cleveland Amory Black Beauty Ranch dba Fund for Animals, Murchison, TX; Permit No. 54793D

The applicant requests authorization to import two female tigers (*Panthera tigris*) from SPCA de Montreal, Montreal, Quebec, Canada. This notification is for a single import.

Applicant: Safe Haven Wildlife Sanctuary, Imlay, NV; Permit No. 54785D

The applicant requests authorization to import one male tiger (*Panthera tigris*) from SPCA de Montreal, Montreal, Quebec, Canada. This notification is for a single import.

Applicant: The Wildcat Sanctuary, Sandstone, MN; Permit No. 54787D

The applicant requests authorization to import one male and one female tiger (*Panthera tigris*) from SPCA de Montreal, Montreal, Quebec, Canada. This notification is for a single import.

Applicant: Triple D Game Farm, Kalispell, MT; Permit No. 44811D

The applicant requests a captive-bred wildlife registration (CBW) under 50 CFR 17.21(g) for snow leopard (*Uncia uncia*) and Amur leopard (*Panthera pardus orientalis*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Palfram Ranch Management LLC, Giddings TX; Permit No. 64737A

The applicant requests a CBW under 50 CFR 17.21(g) for barasingha (*Rucervus duvaucelii*) and red lechwe (*Kobus leche*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 3-year period.

Applicant: Jeffrey Kengor, Brunswick, MD; Permit No. 41285D

The applicant requests a CBW under 50 CFR 17.21(g) for radiated tortoise (*Astrochelys radiata*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: New Jersey Aquarium LLC dba Adventure Aquarium, Camden, NJ; Permit No. 44974D

The applicant requests a CBW under 50 CFR 17.21(g) for African penguin (*Spheniscus demersus*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: City of San Jose dba Happy Hollow Zoo, San Jose, CA; Permit No. 44888D

The applicant requests a CBW under 50 CFR 17.21(g) for Parma wallaby (*Macropus parma*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Potter Park Zoo, Ingham County, Lansing, MI; Permit No. 15052D

On August 16, 2019, we published a **Federal Register** notice inviting the public to comment on an application for a captive-bred wildlife registration (84 FR 42006). The comment period closed on September 16, 2019. We are now reopening the comment period for this application, because our August 16, 2019, notice listed six species, inadvertently omitting one species, the African lion (*Panthera leo leo*). The applicant requests a CBW under 50 CFR 17.21(g) for the following seven species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Black rhinoceros	*Diceros bicornis.*
Golden lion tamarin	*Leontopithecus rosalia.*
Tiger	*Panthera tigris.*
Snow leopard	*Uncia uncia.*
Mandrill	*Mandrillus sphinx.*
Cottontop marmoset	*Saguinus oedipus.*
African lion	*Panthera leo.*

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: Aaron Clements, Midland, TX; Permit No. 50006D

Applicant: John Stagg, Zachary LA; Permit No. 55013D

Applicant: James Eubanks, Ebony, VA; Permit No. 56372D

Applicant: Chrys Potts, Anchorage, AK; Permit No. 38251D

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *http://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2019–26753 Filed 12–11–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000 20X]

Notice of Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on January 13, 2020.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7210.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239–3856; *rbloom@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat incorporating the field notes of the dependent resurvey in Township 7 South, Range 77 West, Sixth Principal Meridian, Colorado, was accepted on October 10, 2019.

The plat, in 3 sheets, incorporating the field notes of the dependent resurvey and survey in Township 32 South, Range 69 West, Sixth Principal Meridian, Colorado, was accepted on November 4, 2019.

The plat, in 2 sheets, incorporating the field notes of the dependent resurvey and subdivision of section 18 in Township 1 South, Range 76 West, Sixth Principal Meridian, Colorado, was accepted on November 21, 2019.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, 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.

Authority: 43 U.S.C. Chap. 3.

Randy A. Bloom,

Chief Cadastral Surveyor.

[FR Doc. 2019–26701 Filed 12–11–19; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–29359; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before November 16, 2019, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by December 27, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before November 16, 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 or Tribal Historic Preservation Officers:

CALIFORNIA

Riverside County

Krisel Tract Home, 1882 S. Caliente Road (APN 511032005–9), 1882 South Caliente Rd., Palm Springs, Agua Caliente Indian Reservation, SG100004813

MARYLAND

Baltimore Independent City

Bayview Historic District, Roughly bounded by Eastern Ave., Anglesea St., East Pratt St. and Kane St., Baltimore, SG100004806

Greektown Historic District, Roughly bounded by B&O RR, Gough St., Umbra St. and O'Donnell St., Baltimore, SG100004807

Morgan Park Historic District, Roughly bounded by Herring Run Stream, East Cold Spring Lane and Charlton Ave., Baltimore, SG100004808

NEW YORK

Columbia County

Glenco Mills Methodist Church, 142 Old NY 82, Glenco Mills, SG100004818

Montgomery County

Danascara Place, 662 Mohawk Dr., Tribes Hill, SG100004819

PENNSYLVANIA

Allegheny County

First United Presbyterian Church of Braddock, 724 Parker Ave., Braddock, SG100004810

Roslyn Place Historic District, 506–523 & 525 Roslyn Place, Pittsburgh, SG100004811

Philadelphia County

Provident Mutual Insurance Company, 4601 Market St., Philadelphia, SG100004809

RHODE ISLAND

Providence County

State Home and School for Dependent and Neglected Children Historic District, Rhode Island College, East Campus, 600 Mount Pleasant Ave., Providence, SG100004820

UTAH

Washington County

Christensen, Herbert & Lillian, House, 980 Zion Park Blvd., Springdale, SG100004812

Additional documentation has been received for the following resource:

MINNESOTA

Wabasha County

Wabasha Commercial Historic District, Roughly along Main St. between Bridge and Bailey Aves., Wabasha, AD82003063

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

CALIFORNIA

San Bernardino County

Soda Springs Historic District, 4.8 miles south of I 15, on Zzyzx Rd., Baker vicinity, SG100004814

Mescal Mining District, 9.1 miles southeast of the intersection of Cima Rd. and I 15, Cima vicinity, SG100004815

Authority: Section 60.13 of 36 CFR part 60.

Dated: November 20, 2019.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–26739 Filed 12–11–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–29380PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

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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 or Tribal Historic Preservation Officers:

CALIFORNIA

Los Angeles County

Kelton Apartments, 644–648 Kelton Ave., Los Angeles, SG100004856

Church of the Epiphany, (Latinos in 20th Century California MPS), 2808 Altura St., Los Angeles, MP100004857

IDAHO

Bonner County

Co-op Gas & Supply Company, 524 West Church St., Sandpoint, SG100004821

ILLINOIS

Cook County

Gage Park Bungalow Historic District, (Chicago Bungalows MPS), Roughly bounded by West 55th St., South Washtenaw Ave., West 59th St. & South Sacramento Ave., Chicago, MP100004852

McHenry County

Colby-Petersen Farm, 4112 McCullom Lake Rd., McHenry, SG100004853

Rock Island County

Arsenal Courts Historic District, 1400 Fifth St., Rock Island, SG100004851

KENTUCKY

Daviess County

Stinnett, James L., House, 10184 Hwy 54, Whitesville, SG100004830

MAINE

Cumberland County

Thomas B. Reed School, 26 Homestead Ave., Portland, SG100004827

Hancock County

Old Red Store, 129 Bernard Rd., Tremont, SG100004825

Oxford County

Otisfield Town Pound, Near 322 Bell Hill Rd., Otisfield, SG100004826

Waldo County

Farwell Brothers Store, 37 Gordon Hill Rd., Thorndike, SG100004828

NEW MEXICO

Santa Fe County

Nordfeldt, B. J. O. and Margaret Doolittle, House, 460 Camino de las Animas, Santa Fe, SG100004822

OHIO

Cuyahoga County

Scofield, Levi, House, 2438 Mapleside Rd., Cleveland, SG100004823

Delaware County

Delaware Post Office, 60 South Sandusky St., Delaware, SG100004824

PUERTO RICO

Cabo Rojo Municipality

James L.M. Curry Graded School, (Early Twentieth Century Schools in Puerto Rico TR), Calle Betances, Cabo Rojo vicinity, MP100004855

Ponce Municipality

Acueducto Alfonso XII, (Going with the Flow: Waterworks in Puerto Rico, 1840–1898), Calle del Acueducto, Ponce vicinity, MP100004854

A request for removal has been made for the following resources:

ILLINOIS

Champaign County

Bailey—Rug Building, 219–225 N. Neil St., Champaign, OT97001337

Coles County

Harrison St. Bridge, (Coles County Highway Bridges Over the Embarras River TR), E of Charleston, Charleston vicinity, OT81000213

Railway Express Agency Building, 1804 Western Ave., Mattoon, OT94000974

Cook County

Hyatt House Hotel, 4500 W. Touhy Ave., Lincolnwood, OT13000553

Oak Lawn School, 9526 S. Cook Ave., Oak Lawn, OT90001725

Crawford County

Robinson High School Auditorium—Gymnasium, 200 Blk of E. Highland Ave., Robinson, OT05000434

DuPage County

DuPage Theatre and DuPage Shoppes, 101–109 S. Main St., Lombard, OT87002047

Fulton County

Carithers Store Building, Table Grove Village Sq., W of US 136, Table Grove, OT87001262

Gallatin County

Peeples, Robert and John McKee, Houses, Main St., Old Shawneetown, OT83000317

Jo Daviess County

Frentess, Henry N., Farmstead, 19140 US 20 W., East Dubuque, OT10001202

Kane County

Teeple Barn, NW of Elgin on Randall Rd., Elgin vicinity, OT79000844

Lake County

Jewel Tea Company, Inc., 511 Lake Zurich Rd., Barrington, OT03001462

Obee House, (Highland Park MRA), 1642 Green Bay Rd., Highland Park, OT82002573

Madison County

Madison County Sheriff's House and Jail, 210 N. Main St., Edwardsville, OT80001394

Marion County

Centralia Elk's Lodge, The, 328 E. Broadway, Centralia, OT08001171

McLean County

Gildersleeve House, 108 Broadway, Hudson, OT77001517

Rock Island County

Lincoln School, 7th Ave. and 22nd St., Rock Island, OT85001910

Stephenson County

Freeport City Hall, 230 W. Stephenson, Freeport, OT16000329

Vermilion County

Building at 210–212 West North Street, 210–212 West North St., Danville, OT00001334

Woodford County

Benson Water Tower, Clayton St. between Front & Pleasant Sts., Benson, OT87002034

Additional documentation has been received for the following resource:

MAINE

Sagadahoc County

Richmond Historic District (Additional Documentation), Roughly bounded by South St., High St., Main St. and the Kennebec River, Richmond, AD73000146

Authority: Section 60.13 of 36 CFR part 60.

Dated: November 25, 2019.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–26740 Filed 12–11–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–046]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: December 18, 2019 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–614 and 731–TA–1431 (Final) (Magnesium from Israel). The Commission is currently scheduled to complete and file its determinations and views of the Commission by January 6, 2020.
5. Outstanding action jackets: None.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: December 10, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–26936 Filed 12–10–19; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1424 (Final)]

Mattresses From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of mattresses from China, provided for in subheadings 9404.21.00, 9404.29.10, 9404.29.90, 9401.40.00, and 9401.90.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3] [4]

Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted this investigation effective September 18, 2018, following receipt of a petition filed with the Commission and Commerce by Corsicana Mattress Company, Dallas, Texas; Elite Comfort Solutions, Newnan, Georgia; Future Foam Inc., Council Bluffs, Iowa; FXI, Inc., Media, Pennsylvania; Innocor, Inc., Red Bank, New Jersey; Kolcraft Enterprises Inc., Chicago, Illinois; Leggett & Platt, Incorporated, Carthage, Missouri; Serta Simmons Bedding, LLC, Atlanta, Georgia; and Tempur Sealy International, Inc., Lexington, Kentucky. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of mattresses from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 13, 2019 (84 FR 27657). The hearing was held in Washington, DC, on October 11, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on December 9, 2019. The views of the Commission are contained in USITC Publication 5000 (December 2019), entitled *Mattresses from China: Investigation No. 731–TA–1424 (Final).*

By order of the Commission.

Issued: December 9, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–26773 Filed 12–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–747 (Final)]

Fresh Tomatoes From Mexico

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is threatened with material injury by reason of imports of fresh tomatoes from Mexico, provided for in heading 0702 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3] [4]

Background

The Commission instituted this investigation effective April 1, 1996, following receipt of a petition filed with the Commission and Commerce by the Florida Tomato Growers Exchange, Orlando, Florida; the Florida Fruit and Vegetable Association, Orlando, Florida; the Florida Farm Bureau Federation, Gainesville, Florida; the South Carolina Tomato Association, Inc., Charleston, South Carolina; the Gadsden County Tomato Growers Association, Inc., Quincy, Florida; the Accomack County Farm Bureau, Accomack, Virginia; the Florida Tomato Exchange, Orlando, Florida; the Florida Department of Agriculture and Consumer Services, Tallahassee, Florida; and the Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee, and Virginia Tomato Growers. The Commission scheduled the final phase of its investigation following notification of a preliminary determination by Commerce that imports of fresh tomatoes from Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).

The Commission commenced the final phase of its investigation on August 21, 1996.[5] On October 28, 1996, Commerce issued its preliminary determination that imports of fresh tomatoes from Mexico were being sold at LTFV in the United States and announced that Commerce and certain producers/exporters of fresh tomatoes from Mexico had signed a suspension agreement.[6] Also on October 28, 1996, Commerce suspended the final phase of its investigation.[7] On November 1, 1996, the Commission suspended the final phase of its investigation.[8]

On October 1, 2001, the Commission instituted its first five-year review to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to a continuation or recurrence of material injury.[9] On January 4, 2002, the Commission determined that it would conduct a full review concerning the suspended investigation on fresh tomatoes from Mexico.[10] On July 30, 2002, Commerce terminated the suspension agreement, and Commerce and the Commission terminated their reviews of the suspended investigation and resumed their final phase antidumping investigations.[11] On December 16, 2002, Commerce and the Commission suspended their resumed final phase investigations when Commerce signed a new suspension agreement with certain growers/exporters of fresh tomatoes from Mexico.[12]

On November 1, 2007, the Commission instituted its second five-year review to determine whether

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 84 FR 56761 (October 23, 2019).

[3] Commissioner Jason E. Kearns did not participate in this investigation.

[4] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on China.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 84 FR 57401 (October 25, 2019).

[3] The Commission further determines that it would not have found material injury by reason of subject imports but for the suspension of liquidation of entries of subject merchandise. *See* 19 U.S.C. 1673d(b)(4)(B).

[4] Chairman David S. Johanson not participating.

[5] 61 FR 46823 (September 5, 1996).

[6] 61 FR 56618 (November 1, 1996).

[7] 61 FR 56618 (November 1, 1996).

[8] 61 FR 58217 (November 13, 1996).

[9] 66 FR 49975 (October 1, 2001).

[10] 67 FR 3229 (January 23, 2002)

[11] 67 FR 50858 (August 6, 2002); 67 FR 53361 (August 15, 2002); 67 FR 5685 (September 5, 2002).

[12] 67 FR 77044 (December 16, 2002); 67 FR 78815 (December 26, 2002).

termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to a continuation or recurrence of material injury.[13] On January 18, 2008, Commerce terminated the suspension agreement, and Commerce and the Commission terminated their reviews of the suspended investigation and resumed their final phase antidumping investigations.[14] On January 22, 2008, Commerce and the Commission again suspended their resumed final phase investigations when Commerce signed a new suspension agreement with certain growers/exporters of fresh tomatoes from Mexico.[15]

On December 3, 2012, the Commission instituted its third five-year review to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to continuation or recurrence of material injury.[16] On March 1, 2013, Commerce terminated the suspension agreement and its review of the suspended investigation and resumed its final phase antidumping investigation.[17] On March 4, 2013, the Commission terminated its review of the suspended investigation and resumed its final phase antidumping investigation.[18] Also on March 4, 2013, Commerce signed a new suspension agreement with certain grower/exporters of fresh tomatoes from Mexico and again suspended its resumed final phase antidumping investigation.[19] On March 5, 2013, the Commission again suspended its resumed final phase antidumping investigation.[20]

On February 1, 2018, the Commission instituted its fourth five-year review to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to continuation or recurrence of material injury.[21] On May 7, 2019, Commerce terminated the suspension agreement and its review of the suspended investigation and resumed its final phase antidumping investigation.[22] Also on May 7, 2019, the Commission terminated its review of the suspended investigation and resumed its final phase antidumping investigation.[23] On September 19, 2019, Commerce signed a new suspension agreement with certain grower/exporters of fresh tomatoes from Mexico and again suspended its resumed final phase antidumping investigation.[24] On September 24, 2019, the Commission again suspended its resumed final phase antidumping investigation.[25]

On October 11 and 15, 2019, Commerce received timely requests, pursuant to section 734(g) of the Tariff Act of 1930 (19 U.S.C. 1673c(g)), to continue its antidumping investigation on fresh tomatoes from Mexico and resumed its final investigation.[26] On October 17, 2019, the Commission, therefore, continued its antidumping investigation. Notice of the scheduling of the continuation of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 23, 2019 (84 FR 56837). The hearing was held in Washington, DC, on October 24, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on December 9, 2019. The views of the Commission are contained in USITC Publication 5003 (December 2019), entitled *Fresh Tomatoes from Mexico: Investigation No. 731–TA–747 (Final).*

By order of the Commission.

Issued: December 9, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–26794 Filed 12–11–19; 8:45 am]

BILLING CODE 7020–02–P

[13] 72 FR 61903 (November 1, 2007).

[14] 73 FR 2887 (January 16, 2008); 73 FR 5869 (January 31, 2008).

[15] 73 FR 4831 (January 28, 2008); 73 FR 7762 (February 11, 2008).

[16] 77 FR 71629 (December 3, 2012).

[17] 78 FR 14771 (March 7, 2013).

[18] 78 FR 16529 (March 15, 2013).

[19] 78 FR 14967 (March 8, 2013).

[20] 78 FR 16530 (March 15, 2013).

[21] 83 FR 4676 (February 1, 2018).

[22] 84 FR 20858 (May 13, 2019).

[23] 84 FR 21360 (May 14, 2019); 84 FR 27805 (June 14, 2019).

[24] 84 FR 49987 (September 24, 2019).

[25] 84 FR 54639 (September 24, 2019).

[26] 84 FR 57401 (October 25, 2019).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–631 and 731–TA–1463–1464 (Preliminary)]

Forged Steel Fittings From India and Korea

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of forged steel fittings from India and Korea, provided for in subheadings 7307.92.30, 7307.92.90, 7307.93.30, 7307.93.60, 7307.93.90, 7307.99.10, 7307.99.30, and 7307.99.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of India.[2] [3]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 84 FR 64265, November 21, 2019, and 84 FR 64270, November 21, 2019.

[3] Commissioner Randolph J. Stayin is recused from this proceeding.

of all persons, or their representatives, who are parties to the investigations.

Background

On October 23, 2019, Bonney Forge Corporation (''Bonney Forge''), Mount Union, Pennsylvania and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (''USW''), Pittsburgh, Pennsylvania (collectively ''Petitioners'') filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of forged steel fittings from India and LTFV imports of forged steel fittings from India and Korea. Accordingly, effective October 23, 2019, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation No. 701–TA–631 (Preliminary) and antidumping duty investigation Nos. 731–TA–1463–1464 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 29, 2019 (84 FR 57881). The conference was held in Washington, DC, on November 13, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on December 9, 2019. The views of the Commission are contained in USITC Publication 5006 (December 2019), entitled *Forged Steel Fittings from India and Korea: Investigation Nos. 701–TA–631 and 731–TA–1463–1464 (Preliminary).*

By order of the Commission.

Issued: December 9, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–26766 Filed 12–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–201–75 (Monitoring)]

Crystalline Silicon Photovoltaic Cells, Whether or Not Partially or Fully Assembled Into Other Products; Monitoring Developments in the Domestic Industry; Amendment

AGENCY: United States International Trade Commission.

ACTION: Notice; amendment.

SUMMARY: The Commission published a noticed in the **Federal Register** on August 1, 2019, concerning the institution and scheduling of investigation no. TA–201–75 (Monitoring) pursuant to section 204(a)(2) of the Trade Act of 1974 on its monitoring of developments in the domestic industry following the President's decision to impose a safeguard measure on imports of certain crystalline silicon photovoltaic (''CSPV'') cells, whether or not partially or fully assembled into other products (including, but not limited to, modules, laminates, panels, and building-integrated materials)(''CSPV products''), as described in Proclamation 9693 of January 23, 2018. 84 FR 37674. This amended notice provides for limits on page lengths for posthearing briefs.

DATES: December 9, 2019.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Amendment.—Pursuant to 19 CFR 206.3(b) and 19 CFR 206.52, in the **Federal Register** of August 1, 2019, in FR Doc. 2019–16363, on page 37675, in the third column, line 54, following the sentence ending with ''December 12, 2019,'' add the following sentences: No posthearing brief shall exceed fifteen (15) pages of textual material, double-spaced and single sided, when printed out on pages measuring 8.5 x 11 inches. Persons are permitted to file answers to questions or requests made by the Commission at the hearing, which are separate from the 15-page limit for posthearing briefs.

By order of the Commission.

Issued: December 9, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–26774 Filed 12–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–415 and 731–TA–933 and 934 (Third Review)]

Polyethylene Terephthalate Film, Sheet, and Strip From India and Taiwan; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty order on polyethylene terephthalate film, sheet, and strip (''PET film'') from India and the antidumping duty orders on PET film from India and Taiwan would likely lead to the continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: October 4, 2019.

FOR FURTHER INFORMATION CONTACT: Charlie Cummings (202–708–1666), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part

201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On October 4, 2019, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (84 FR 31343, July 1, 2019) was adequate. With respect to the orders on PET film from India, two Commissioners determined that the respondent interested party group response was adequate, and one Commissioner determined that the respondent group response was inadequate, but found that changes in the conditions of competition warranted full reviews of these orders. Consequently, the Commission determined to conduct full reviews of the antidumping and countervailing duty orders on PET film from India.[1] With respect to the antidumping duty order on PET film from Taiwan, the Commission determined that the respondent interested party group response was inadequate. The Commission determined, however, to conduct a full review of the order in order to promote administrative efficiency in light of its determination to conduct full reviews of the orders on PET film from India.[2] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 6, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–26725 Filed 12–11–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Two Commissioners determined that the respondent interested party group response was inadequate and voted to conduct expedited reviews of the orders on PET film from India.

[2] Two Commissioners voted to conduct an expedited review of the order on PET film from Taiwan.

DEPARTMENT OF JUSTICE

[OMB Number 1140–0040]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for an Amended Federal Firearms License—ATF Form 5300.38

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The proposed information collection was previously published in the **Federal Register**, on October 10, 2019, allowing for a 60-day comment period. Comments are encouraged and will be accepted for an additional 30 days until January 13, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Tracey Robertson, either by mail at Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, by email at *Tracey.Robertson@atf.gov,* or by telephone at 304–616–4647. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Application for an Amended Federal Firearms License.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5300.38.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individuals or households.

Abstract: The Gun Control Act requires that each person applying for a Federal Firearms License (FFL) change of address, must certify compliance with the provisions of the law for the new address. The Application for an Amended Federal Firearms License—ATF F 5300.38, is used by existing Federal Firearms licensees to change the business address of the license and certify compliance. Licensees are required to notify ATF about the intent to move any business premises no later than 30 days prior to the intended move.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,000 respondents will utilize the form annually, and it will take each respondent approximately 30 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5,000 hours, which is equal to 10,000 (# of respondents) * .5 (30 minutes).

(7) An Explanation of the Change in Estimates: The adjustments associated with this information collection include a reduction in the number of submissions by 8,000. Consequently, the hourly burden has reduced by 4,000

hours, while the cost burden decreased by $1,730.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: December 6, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–26723 Filed 12–11–19; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0046]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification on Agency Letterhead Authorizing Purchase of Firearm for Official Duties of Law Enforcement Officer

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The proposed information collection was previously published in the **Federal Register**, on October 10, 2019, allowing for a 60-day comment period. Comments are encouraged and will be accepted for an additional 30 days until January 13, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact: Michael Knapp, Firearms Industry Programs Branch either by mail at 99 New York Ave, NE, Washington, DC 20226, by email at *Fipb-informationcollection@atf.gov,* or by telephone at 202–648–7190. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension, without change, of a currently approved collection.

(2) *The Title of the Form/Collection:* Certification on Agency Letterhead Authorizing Purchase of Firearm for Official Duties of Law Enforcement Officer.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local or Tribal Government.

Other: Federal Government.

Abstract: The letter is used by a law enforcement officer to purchase firearms to be used in his/her official duties from a licensed firearm dealer anywhere in the country. The letter shall state that the firearm is to be used in the official duties of the officer and that he/she has not been convicted of a misdemeanor crime of domestic violence.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50,000 respondents will utilize the letter template associated with this information collection annually. It will take approximately 8 minutes to complete a response to this IC.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 6,667 of hours, which is equal to 50,000 (# of respondents) * 1 (# of responses per respondent) * .133333 (8 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: December 6, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–26724 Filed 12–11–19; 8:45 am]

BILLING CODE 4410–14–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2020–013]

State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC); Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: We are announcing an upcoming meeting of the State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC).

DATES: The meeting will be on January 29, 2020, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW, Jefferson Room, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert J. Skwirot, Senior Program Analyst, by mail at ISOO, National Archives Building, 700 Pennsylvania Avenue NW, Washington, DC 20408, by telephone at 202.357.5398, or by email at *robert.skwirot@nara.gov.* Contact ISOO at *ISOO@nara.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss matters relating to the classified national security information program for state, local, tribal, and private sector entities.

The meeting will be open to the public, in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6. However, due to space limitations and access procedures, you must submit the name and telephone number of individuals planning to attend to the Information Security Oversight Office (ISOO) no later than Wednesday, January 22, 2020. ISOO will provide additional instructions for accessing the meeting's location. *Note:* Please enter through the Constitution Avenue special events entrance.

Miranda Andreacchio,

Committee Management Officer.

[FR Doc. 2019–26790 Filed 12–11–19; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Monitoring Bank Secrecy Act Compliance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before January 13, 2020 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Suite 5080, Alexandria, VA 22314, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Mackie Malaka at (703) 548–2704, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0108.

Title: Monitoring Bank Secrecy, 12 CFR part 748.2.

Form: NCUA 1092, 1093, and 1093C.

Type of Review: Extension of a currently approved collection.

Abstract: Section 748.2 of NCUA's regulations, directs credit unions to establish a Bank Secrecy Act (BSA) compliance program that maintains procedures designed to assure and monitor compliance with the requirement of 31 U.S.C., Chap. 53, Subchapter II (sec. 5301–5329), the Bank Secrecy Act (31 U.S.C. 5318(g)), and 31 CFR Chapter X (parts 1000–1099), Financial Crimes Enforcement Network, Department of the Treasury. Each federally insured credit union (FICU) must develop and provide for the continued administration of a BSA compliance program to assure and monitor compliance with the recordkeeping and recording requirements prescribed by the BSA. At a minimum, a compliance program shall provide for a system of internal controls, independent testing for compliance, designation of an individual responsible for coordinating and monitoring day-to-day compliance; and training. NCUA examiners review the program to determine whether the credit union's procedures comply with all BSA requirements.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 84,928.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on December 9, 2019.

Dated: December 9, 2019.

Mackie I. Malaka,

NCUA PRA Clearance Officer.

[FR Doc. 2019–26767 Filed 12–11–19; 8:45 am]

BILLING CODE 7535–01–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Submission for Review: Survey on the Treatment of Opioid Use Disorders

AGENCY: Office of National Drug Control Policy.

ACTION: 30-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of National Drug Control Policy (ONDCP) announces it will submit to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) an information collection request. This proposed information collection was previously published in the **Federal Register** of October 8, 2019 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: ONDCP encourages and will accept public comments on or before 30 days after the date of this publication.

ADDRESSES: Address all comments in writing within 30 days to Jayme Delano, Deputy Director, National HIDTA Program Office. Email is the most reliable means of communication. Ms. Delano's email address is *Jayme_A_Delano@ondcp.eop.gov.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact the Executive Office of the President, Office of National Drug Control Policy, attention: Jayme Delano or sent via electronic mail at *Jayme_A_Delano@ondcp.eop.gov.* Formal requests for additional plans and instruments must be in writing. Copies of documents submitted to OMB and other information is available from Ms. Delano who may be contacted at 202–395–6794.

SUPPLEMENTARY INFORMATION: The Office of National Drug Control Policy desires to learn how adult drug courts are responding to the opioid epidemic. To do so, we propose to conduct a survey of 269 drug courts in the counties with the highest total opioid-related overdoses and the highest opioid-related overdose rates. The aim of the survey is to learn more about adult drug courts' efforts to serve persons suffering from opioid use disorders, focusing particularly on the use of medication-assisted treatment (MAT). An earlier survey from 2012 found that nearly half of drug courts were not using MAT or had blanket prohibitions against methadone or buprenorphine. At the same time, ONDCP funded a suite of resources to increase uptake of MAT in treatment courts, including online and in-person training workshops, practitioner fact sheets, pocket guides for staff members and participants, professional tool kits, and sample policies and procedures materials. The proposed survey will examine what impact these and other efforts have had in making MAT more widely available to patients in need of these lifesaving treatments and enhancing practitioner knowledge and acceptance. ONDCP published this information collection on October 8, 2019 at 84 FR 53762.

Request for Comments: Written comments and/or suggestions from the

public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Overview of Information Collection

Title of information collection: Survey on the Treatment of Opioid Use Disorders.

Method of data collection: Electronic survey.

Frequency: One-time data collection.

Members of affected public: Administrators in drug courts in the counties with the highest total opioid-related overdoses and the highest opioid-related overdose rates.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Number of respondents: 269.

Frequency of response: 1.

Average time per response: 15 minutes.

Annual hour burden: 67 hours.

Status of the proposed information collection: New.

Dated: December 9, 2019.

Michael Passante,

Acting General Counsel.

[FR Doc. 2019–26793 Filed 12–11–19; 8:45 am]

BILLING CODE 3280–F5–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Submission for Review: Survey on Practices and Policies Related to the Treatment of Opioid Use Disorders

AGENCY: Office of National Drug Control Policy.

ACTION: 30-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of National Drug Control Policy (ONDCP) announces it will submit to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) an information collection request. This proposed information collection was previously published in the **Federal Register** of October 8, 2019 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: ONDCP encourages and will accept public comments on or before 30 days after the date of this publication.

ADDRESSES: Address all comments in writing within 30 days to Jayme Delano, Deputy Director, National HIDTA Program Office. Email is the most reliable means of communication. Ms. Delano's email address is *Jayme_A_Delano@ondcp.eop.gov.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact the Executive Office of the President, Office of National Drug Control Policy, attention: Jayme Delano or sent via electronic mail at *Jayme_A_Delano@ondcp.eop.gov.* Formal requests for additional plans and instruments must be in writing. Copies of documents submitted to OMB and other information is available from Ms. Delano who may be contacted at 202–395–6794.

SUPPLEMENTARY INFORMATION: The Office of National Drug Control Policy desires to learn how adult drug courts are responding to the opioid epidemic. To do so, they propose to conduct a survey of State/Territory Drug Court Coordinators to learn more about adult drug courts' efforts to serve persons suffering from opioid use disorders, focusing particularly on the use of medication-assisted treatment (MAT). An earlier survey from 2012 found that nearly half of drug courts were not using MAT or had blanket prohibitions against methadone or buprenorphine. At the same time, ONDCP funded a suite of resources to increase uptake of MAT in treatment courts, including online and in-person training workshops, practitioner fact sheets, pocket guides for staff members and participants, professional tool kits, and sample policies and procedures materials. The proposed survey will examine statewide MAT efforts, and policies and procedures concerning MAT, including whether there have been recent changes in state certification requirements, training modules, or funding mandates to increase MAT adoption. ONDCP previously published this information collection on October 8, 2019 at 84 FR 53762.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Overview of Information Collection

Title of Information Collection: Survey on Practices and Policies Related to the Treatment of Opioid Use Disorders.

Method of data collection: Electronic survey.

Frequency: One-time data collection.

Members of affected public: State and Territory Drug Court Coordinators.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Number of respondents: 54.

Frequency of response: 1.

Average time per response: 17 minutes.

Annual hour burden: 15 hours.

Status of the proposed information collection: New.

Dated: December 9, 2019.

Michael Passante,

Acting General Counsel.

[FR Doc. 2019–26803 Filed 12–11–19; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL LABOR RELATIONS BOARD

Notice of an Amended Privacy Act System of Records; Request for Comment

AGENCY: National Labor Relations Board.

ACTION: Notice of an Amended Privacy Act System of Records; request for comment.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, the National Labor Relations Board (NLRB or Agency) publishes this notice of its intention to amend a system of records, NLRB–32, Freedom of Information Act Tracking System (FTS) and Associated Agency Files. All persons are advised that, in the absence of submitted comments considered by the Agency as warranting modification of the notice as here proposed, it is the intention of the Agency that the notice shall be effective upon expiration of the comment period without further action.

DATES: Written comments must be received on or before January 13, 2020.

ADDRESSES: All persons who desire to submit written comments for consideration by the Agency in connection with this proposed notice of the amended system of records shall mail them to the Agency's Senior Agency Official for Privacy, National Labor Relations Board, 1015 Half Street SE, Third Floor, Washington, DC 20570–0001, or submit them electronically to *privacy@nlrb.gov.* Comments may also be submitted electronically through *http://www.regulations.gov,* which contains a copy of this proposed notice and any submitted comments.

FOR FURTHER INFORMATION CONTACT: Virginia Ephraim, IT Security and Privacy Compliance Specialist, National Labor Relations Board, 1015 Half Street SE, Third Floor, Washington, DC 20570–0001, (202) 273–3733, *privacy@nlrb.gov.*

SUPPLEMENTARY INFORMATION: This system of records, NLRB–32, was previously published on December 13, 2006 (71 FR 74941), along with eleven other systems of records. On July 16, 2007, pursuant to 5 U.S.C. 552a(k)(2), a Final Rule was published (72 FR 38778), exempting portions of this system of records from the following provisions of the Privacy Act: 5 U.S.C. 52a(d)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f), insofar as the system contains investigatory material compiled for law enforcement purposes. Specifically, the Final Rule for this system exempted information requested under the Freedom of Information Act, 5 U.S.C. 552, that relates to: The Agency's investigation of unfair labor practice charges and representation cases, requests to file injunctions under 29 U.S.C. 160(j), requests to initiate federal court contempt proceedings, certain requests that the Board initiate litigation or intervene in non-Agency litigation, investigative subpoena enforcement cases, injunction and mandamus actions regarding Agency cases under investigation, bankruptcy case information in matters under investigation, Freedom of Information Act (FOIA) litigation, information involving investigatory records, and any other investigatory material compiled for law enforcement purposes.

As of August 1, 2017, this FTS system is a legacy system only. The Agency will continue retrieving information from the system when appropriate, but no additional information is being added to it. The Agency is using FOIAonline (*https://foiaonline.regulations.gov*), and a separate system of records notice is being published for that system, NLRB FOIAonline. FOIAonline is a system managed and used by the Environmental Protection Agency (EPA) and multiple partner agencies as a secure, password-protected website to electronically receive, process, track, and store requests from the public for federal records; post responsive records to a website; collect data for annual reporting requirements to the Department of Justice; and manage internal FOIA administration activities. The NLRB's FOIA information for requests made prior to fiscal year 2015 are maintained only in FTS, and information for requests made between fiscal year 2015 and July 31, 2017 are maintained in both systems.

SYSTEM NAME AND NUMBER:

Freedom of Information Act Tracking System (FTS) and Associated Agency Files. NLRB–32.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are stored on electronic media at Agency Headquarters, and any legacy paper files are stored at Headquarters and the Regional Offices, or in a Federal Records Center. See the Agency's website for addresses (*www.nlrb.gov*). Records from limited numbers of FOIA requests involving large volumes of documents may also be stored in contractor-maintained electronic databases with document management capabilities. Additionally, pursuant to the Agency's flexiplace and telework programs, or due to official travel, FTS may also be accessed electronically from alternative worksites, including employees' homes.

All appropriate safeguards will be taken at these sites.

SYSTEM MANAGER:

Assistant General Counsel/Freedom of Information Act Officer, FOIA Branch, National Labor Relations Board. The Agency's address is available on its website (*www.nlrb.gov*).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552; 44 U.S.C. 3101.

PURPOSE(S):

FTS is a legacy electronic case tracking system used by the Agency's FOIA Branch to facilitate the accurate and timely collection, retrieval, and retention of information to track FOIA requests from the public for documents maintained by the Agency, as well as administrative appeals of Agency FOIA determinations. Beginning August 1, 2017, the Agency uses FOIAonline, an EPA-administered system used by that agency and multiple partner agencies as a secure, password-protected website to electronically receive, process, track, and store requests from the public for federal records; store responsive records; post responsive records to a website; collect data for quarterly and annual reporting requirements to the Department of Justice; and manage internal FOIA administration activities. The NLRB's FOIA information for requests made prior to fiscal year 2015 is maintained only in FTS and Associated Agency Files. The information and activities tracked by FTS may be generated by the parties' filing of FOIA requests, the issuance of initial FOIA determinations, the parties' filing of FOIA appeals, and the Agency's final determinations. FTS is used to track the processing of FOIA requests from initial receipt of requests through Agency determination on appeal, the nature of records sought, exemptions claimed by the Agency in initial determinations, processing time, and any fee charges. This database is also used to generate data for managing the Agency's resources, creating the Agency's budget, preparing monthly and annual reports of casehandling activities, and providing requested statistical reports to the public. The Associated Agency Files are paper files maintained to document FOIA requests and appeals, and electronic files maintained on the Agency's system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals making FOIA requests for documents maintained by the Agency and those requesters appealing initial Agency FOIA determinations (''FOIA appellants''); individual parties in Agency and related judicial proceedings named in FOIA requests; current and former Agency employees assigned to process FOIA requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Summary information of FOIA requests and appeals made to the Agency (such as requester contact

information, assumption of fees information, request information, appeal information, and Agency personnel assigned to process FOIA requests) is maintained in FTS. Electronic documents associated with FOIA requests and appeals are maintained on an Agency network drive and are accessible through FTS.

(2) Associated Agency Files are paper and electronic records concerning the processing of initial FOIA requests to the Agency and appeals of those initial determinations. These records include administrative records (such as FOIA requests, initial Agency determinations, documents responsive to the FOIA requests, documents withheld from FOIA requesters, final Agency determinations on appeal, and bills to the requesters for chargeable fees), correspondence, legal research memoranda, and other related documents. Both FTS and the Associated Agency Files may include FOIA requesters' and FOIA appellants' home addresses and home telephone numbers, if such information is provided to the Agency. Portions of these records include civil investigatory and law enforcement information contained in the requested documents at issue. As of June 2016, the Agency no longer created Associated Agency Files in paper form.

RECORDS SOURCE CATEGORIES:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, record source categories include Agency employees processing FOIA requests, FOIA requesters and appellants, and documents relating to the processing of a FOIA request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records may be disclosed:

1. To a federal, state, or local agency (including a bar association or other legal licensing authority), charged with the responsibility for investigating, defending, or pursuing violations of law or rule (civil, criminal, or regulatory in nature), in any case in which there is an indication of a violation or potential violation of law or rule;

2. to the Agency's legal representative, including the Department of Justice and other outside counsel, where the Agency is a party in litigation or has an interest in litigation, including when any of the following is a party to litigation or has an interest in such litigation: (a) The Agency, or any component thereof; (b) any employee of the Agency in his or her official capacity; (c) any employee of the Agency in her or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (d) the United States, where the Agency determines that litigation is likely to affect the Agency or any of its components;

3. to individuals who need the information in connection with the processing of an internal Agency grievance;

4. to an arbitrator to resolve disputes under a negotiated Agency grievance arbitration procedure;

5. to officials of labor organizations recognized under 5 U.S.C., chapter 71, when disclosure is not prohibited by law, and the data is normally maintained by the Agency in the regular course of business and is necessary for a full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining. The foregoing shall have the identical meaning as 5 U.S.C. 7114(b)(4);

6. to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the constituent about whom the records are maintained;

7. to FOIA requesters, when the Agency discloses requested documents under the circumstances of the Agency's discretionary release policy, set forth in the Agency's FOIA Manual (available on the Agency's website at *www.nlrb.gov*);

8. to the following federal agencies: (a) The Office of Management and Budget in order to obtain advice regarding the Agency's obligations under the Privacy Act, or to assist with the Agency's budget requests; (b) the Department of Justice in order to obtain advice regarding the Agency's obligations under the Freedom of Information Act; or (c) the National Archives and Records Administration, in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

9. to contractors and other federal agencies, for the purpose of assisting the Agency in further development and continuing maintenance of electronic case tracking systems, or for assisting the Agency with electronic document management for purposes of responding to discovery, FOIA requests, or congressional inquiries;

10. to agencies of the United States Government, or to foreign or international law enforcement or administrative authorities, in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements in which the United States participates; and

11. to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities under 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Data is maintained on paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Data may be retrieved by individual names of those making FOIA requests and FOIA appeals to the Agency; names of parties in Agency or related judicial proceedings named in FOIA requests, names of current and former Agency employees assigned to cases; as well as by non-personal identifiers, such as case numbers assigned by the Agency.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FTS information will be retained and disposed of in accordance with General Records Schedule 4.2, Item 020, which provides for destruction six years after final agency action, but longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper—Access to Agency working and storage areas is restricted to Agency employees who have a need to use the information in order to perform their duties, custodial personnel, and other contractor and security personnel. Associated Agency Files are maintained in lockable file cabinets in staffed or locked areas during working hours. The facilities are protected from unauthorized access during non-working hours by security personnel.

Electronic—Electronic system-based access controls are in place to prevent data misuse. Access to electronic information is controlled by administrators who determine users' authorized access based on each user's office and position within the Agency. Access criteria, procedures, controls, and responsibilities are documented and consistent with the policies stated in policies AC–1 ''Information Security

Access Control Policy'' dated October 3, 2017 and IA–1 ''Information Security Identification and Authentication Policy'' dated September 8, 2017. All network users are also warned at the time of each network login that the system is for use by authorized users only, and that unauthorized or improper use is a violation of law. Agency employees may access FTS from alternative worksites but may not reproduce or transfer Agency information or documents to any system or equipment other than NLRB systems and NLRB-approved equipment.

RECORDS ACCESS PROCEDURES:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual seeking to gain access to records in this system pertaining to their own records should contact the System Manager in accordance with the procedures set forth in 29 CFR 102.119(b)–(c).

CONTESTING RECORDS PROCEDURE:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual may request amendment of a record in this system pertaining to their own records by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.119(d).

NOTIFICATION PROCEDURES:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual may inquire as to whether this system contains a record pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.119(a).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), the Agency has exempted portions of this system, including investigatory material compiled for law enforcement purposes and requested under the FOIA, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

HISTORY:

A notice of this system was previously published on December 13, 2006 (71 FR 74941).

Dated: Washington, DC, December 9, 2019.

By direction of the Board.

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2019–26755 Filed 12–11–19; 8:45 am]

BILLING CODE 7545–01–P

NATIONAL LABOR RELATIONS BOARD

Notice of a New System of Records; Request for Comments

AGENCY: National Labor Relations Board.

ACTION: Notice of a New System of Records; request for comments.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, the Agency publishes this notice of its use and maintenance of a system of records, NLRB–35, NLRB FOIAonline. All persons are advised that, in the absence of submitted comments considered by the Agency as warranting modification of the notice as here proposed, it is the intention of the Agency that the notice shall be effective upon expiration of the comment period without further action.

DATES: Written comments must be received on or before January 13, 2020.

ADDRESSES: All persons who desire to submit written comments for consideration by the Agency in connection with this proposed notice of the amended system of records shall mail them to the Agency's Senior Agency Official for Privacy, National Labor Relations Board, 1015 Half Street SE, Third Floor, Washington, DC 20570–0001, or submit them electronically to *privacy@nlrb.gov.* Comments may also be submitted electronically through *http://www.regulations.gov,* which contains a copy of this proposed notice and any submitted comments.

FOR FURTHER INFORMATION CONTACT: Virginia Ephraim, IT Security and Privacy Compliance Specialist, National Labor Relations Board, 1015 Half Street SE, Third Floor, Washington, DC 20570–0001, (202)–273–3733, *privacy@nlrb.gov.*

SUPPLEMENTARY INFORMATION: The NLRB FOIAonline system contains electronic information of each request and administrative appeal made to the Agency pursuant to the Freedom of Information Act (FOIA), as well as correspondence related to the requests and appeals, including names, addresses, telephone numbers, and other information about a requester. NLRB FOIAonline is managed by the United States Environmental Protection Agency (EPA) and used by the EPA and other agencies to process, track, and respond to FOIA requests and appeals. The NLRB FOIAonline system provides the NLRB with a secure, password-protected website to electronically receive, process, track, and store requests from the public for federal records; store responsive records; post responsive records to a website; collect data for annual reporting requirements to the Department of Justice; and manage internal FOIA administration activities. In addition, the NLRB FOIAonline system allows the public to submit and track FOIA requests and appeals; access requests and responsive records online, and obtain the status of requests filed with the NLRB. Social security numbers and other types of personally identifiable information may be provided in requests or in responsive documents to first-party requesters. Such sensitive personally identifiable information (PII) is not made publicly available. The name of a FOIA requester is publicly available and searchable by the public. With the exception of a requester's name, any other personally identifiable information provided by a requester during the process of completing the request form or creating an online account (*e.g.,* home addresses, email address, and contact information) will not be posted to the website, nor will it be searchable by the public. PII determined to be publicly releasable and contained in documents released to the public under FOIA (*e.g.,* the names and official contact information of government employees or the names of agency correspondents) will be publicly available and searchable by the public when posted. Individuals accessing the system are the Agency's Chief FOIA Officer, FOIA Officer, FOIA Branch management, FOIA processors, and members of the public. Prior to the use of NLRB FOIAonline, the Agency used NLRB–32, its FOIA Tracking System, which was published on December 13, 2006 (71 FR 74941). As of August 1, 2017, FTS is a legacy system only, and its modification is being published.

SYSTEM NAME AND NUMBER

NLRB FOIAonline. NLRB–35

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are stored electronically through the FOIAonline website, maintained at EPA's National Computer Center located at 109 T.W. Alexander Drive, Durham, NC 27709. Records from limited numbers of FOIA requests involving large volumes of documents may also be stored in contractor-maintained electronic databases with document management capabilities. Additionally, pursuant to the Agency's flexiplace and telework programs, or due to official travel, NLRB FOIAonline may also be accessed electronically from alternative worksites, including

employees' homes. All appropriate safeguards will be taken at these sites.

SYSTEM MANAGER:

Assistant General Counsel/Freedom of Information Act Officer, FOIA Branch, National Labor Relations Board. The Agency's address is available on its website (*www.nlrb.gov*).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552; 44 U.S.C. 3101.

PURPOSE(S):

To provide the public a single location to submit and track FOIA requests and administrative appeals filed with participating agencies such as the NLRB, to participate in litigation regarding agency action on such requests and appeals, to manage internal FOIA administration activities, to collect data for quarterly and annual reporting requirements to the Department of Justice, and to assist the NLRB in carrying out any other responsibilities under the FOIA, Privacy Act, and applicable executive orders. NLRB FOIAonline may also be used to assist in evaluating Agency employee performance. This system replaces the Agency's FTS system (NLRB–32), which is now a legacy system only.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requesting information or filing administrative appeals under the Freedom of Information Act; current and former Agency employees assigned to process FOIA requests and appeals; individual parties in Agency and related judicial proceedings; and individuals who are subjects of such requests and administrative appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

A copy of each Freedom of Information Act request received by the NLRB, which may include individuals' names, mailing addresses, email addresses, phone numbers, social security numbers, dates of birth, user names and passwords for registered users, FOIA tracking numbers, dates requests are submitted and received, related administrative appeals and agency responses. Records also include communications with requesters, internal FOIA administrative documents, notes or other related or supporting documentation, and responsive records.

RECORDS SOURCE CATEGORIES:

Record source categories include the Agency's electronic case management system (NxGen), the Agency's email system, Agency employees processing FOIA requests and providing information, FOIA requesters and appellants, and documents relating to the processing of a FOIA request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records may be disclosed:

1. To a federal, state, or local agency (including a bar association or other legal licensing authority), charged with the responsibility for investigating, defending, or pursuing violations of law or rule (civil, criminal, or regulatory in nature), in any case in which there is an indication of a violation or potential violation of law or rule;

2. to another federal agency (a) with an interest in the record in connection with a referral of a FOIA request to that agency for its views or decision on disclosure, or (b) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence that may be useful to an agency in making required determinations under the FOIA;

3. in a federal, state, or local proceeding or hearing, which is administrative, judicial, or regulatory, in accordance with the procedures governing such disclosure and proceeding or hearing, and such records are determined by the Agency to be arguably relevant to the litigation;

4. to a submitter of records or subject of a record in order to provide assistance to the NLRB in making a determination as to disclosure.

5. information from this system of records may be disclosed to appropriate Federal, State, or local agencies, other entities, and persons when it is suspected or confirmed that: (1) The security or confidentiality of information in the system of records has been compromised; (2) there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs that rely upon the compromised information; and (3) and those receiving the information are reasonably necessary to assist with the Agency's efforts to respond to the suspected or confirmed compromise and to prevent, minimize, or remedy any such harm.

6. to the Agency's legal representative, including the Department of Justice and other outside counsel, where the Agency is a party in litigation or has an interest in litigation, including when any of the following is a party to litigation or has an interest in such litigation: (a) The Agency, or any component thereof; (b) any employee of the Agency in his or her official capacity; (c) any employee of the Agency in her or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (d) the United States, where the Agency determines that litigation is likely to affect the Agency or any of its components;

7. to individuals who need the information in connection with the processing of an internal Agency grievance;

8. to an arbitrator to resolve disputes under a negotiated Agency grievance arbitration procedure;

9. to officials of labor organizations recognized under 5 U.S.C., chapter 71, when disclosure is not prohibited by law, and the data is normally maintained by the Agency in the regular course of business and is necessary for a full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining. The foregoing shall have the identical meaning as 5 U.S.C. 7114(b)(4);

10. to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the constituent about whom the records are maintained;

11. to the following federal agencies: (a) The Office of Management and Budget in order to obtain advice regarding the Agency's obligations under the Privacy Act, or to assist with the Agency's budget requests; (b) the Department of Justice in order to obtain advice regarding the Agency's obligations under the Freedom of Information Act; or (c) the National Archives and Records Administration, in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

12. to contractors and other federal agencies, for the purpose of assisting the Agency in further development and continuing maintenance of electronic case tracking systems, or for assisting the Agency with electronic document management for purposes of responding to discovery, FOIA requests, or congressional inquiries;

13. to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Requests are retrieved from the system by numerous data elements and key word searches, including name, agency, date, subject, FOIA tracking number, and other information retrievable with full-text searching capability.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with General Records Schedule 4.2, Item 020, which provides for destruction six years after final agency action, but longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to electronic information is controlled by administrators who determine users' authorized access based on each user's office and position within the office. Access criteria, procedures, controls, and responsibilities are documented and consistent with the policies stated in APPM IT–8 (Agency Wide Information Assurance Policy), memorandum AC–1: Information Security Access Control Policy, and memorandum 1A–1: Information Security Identification and Authentication Policy. All network users are also warned at the time of each network login that the system is for use by authorized users only, and that unauthorized or improper use is a violation of law. Those Agency employees who telework may access NLRB FOIAonline from alternative worksites and are instructed as to keeping such information in a secure manner.

RECORDS ACCESS PROCEDURES:

Individuals seeking to gain access to their own records in this system should contact the System Manager in accordance with the procedures set forth in 29 CFR 102.119(b)–(c).

CONTESTING RECORDS PROCEDURE:

Individuals may request amendment of a record in this system pertaining to their own records by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.119(d).

NOTIFICATION PROCEDURES:

An individual may inquire as to whether this system contains a record pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.1 1 9(a).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None for this system.

Dated: Washington, DC, December 9, 2019.

By direction of the Board.

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2019–26754 Filed 12–11–19; 8:45 am]

BILLING CODE 7545–01–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 January 13, 2020. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2020–023

1. *Applicant:* Red Rock Films, 625 Sligo Avenue, Silver Spring, MD 20910.

Activity for Which Permit is Requested: Take; Harmful Interference. The applicant proposes to film whales in the Antarctic Peninsula region. The applicant and agents would film from a chartered vessel, using remotely piloted aircraft systems (RPAS), and underwater via pole camera and scuba diving. The filming could result in take or harmful interference (disturbance) of humpback whales, killer whales, minke whales, crabeater seals, Weddell seals, southern elephant seals, Ross seals, Antarctic fur seals, and leopard seals. The applicant would maintain a distance of 30 m between whales or seals and the vessel, the RPAS, and equipment or divers underwater. The maximum number of approaches for a single animal per day would be three and no more than five over the course of two consecutive days. The RPAS would be operated by an qualified and certified pilot with substantial experience including operations filming whales. The vessel operator would also be experienced with operations in proximity to whales.

Location: Gerlache Strait; Antarctic Peninsula region.

Dates of Permitted Activities: January 15–February 28, 2020.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2019–26769 Filed 12–11–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–289 and 50–320; ASLBP No. 20–962–01–LA–BD01]

Exelon Generation Company, LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is

being established to preside over the following proceeding:

Exelon Generation Company, LLC

(Three Mile Island Nuclear Station, Units 1 and 2)

This proceeding involves a challenge to an application by Exelon Generation Company, LLC for an amendment to the operating licenses for Three Mile Island Nuclear Station, Units 1 and 2, located in Dauphin County, Pennsylvania. The amendment would revise the site emergency plan and Emergency Action Level scheme for the permanently defueled condition of the units. In response to a notice filed in the **Federal Register**, *see* 84 FR 47,542, 47,548 (Sept. 10, 2019), Eric Epstein filed a Petition to Intervene and Hearing Request. *See* Eric J. Epstein, Chairman of Three Mile Island Alert, Inc.'s Petition to Intervene and Hearing Request (Nov. 12, 2019).[1]

The Board is comprised of the following Administrative Judges:

G. Paul Bollwerk, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Sue H. Abreu, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Rockville, Maryland; December 9, 2019.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2019–26791 Filed 12–11–19; 8:45 am]

BILLING CODE 7590–01–P

[1] In its memorandum referring the Petition to Intervene and Hearing Request to the Atomic Safety and Licensing Board Panel for appropriate action in accordance with 10 CFR 2.346(i), the Office of the Secretary stated:

The first eight pages of the hearing request's Introduction section contain objections to a no significant hazards consideration determination by the NRC staff. As stated at 10 CFR 50.58(b)(6), no petition or other request for review of or hearing on the staff's no significant hazards consideration determination will be entertained by the Commission. Accordingly, this referral memorandum is not to be construed as reflecting a determination that Mr. Epstein is entitled to a review of, or hearing on, the staff's no significant hazards consideration determination.

Memorandum from Annette L. Vietti-Cook to E. Roy Hawkens (Dec. 5, 2019).

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0057]

Information Collection: NRC Policy Statement, ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,'' Maintenance of Existing Agreement State Programs, Requests for Information Through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Policy Statement for the 'Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,' Maintenance of Existing Agreement State Programs, Request for Information Through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.''

DATES: Submit comments by January 13, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0183), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street, NW, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0057 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0057. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0057 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement is available in ADAMS under Accession No. ML19302F711.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such

information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Policy Statement, ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,'' Maintenance of Existing Agreement State Programs, Requests for Information Through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on August 8, 2019 (84 FR 39023).

1. *The title of the information collection:* Policy Statement for the ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,'' Maintenance of Existing Agreement State Programs, Request for Information Through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.

2. *OMB approval number:* 3150–0183.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* Every four years for completion of the IMPEP questionnaire in preparation for an IMPEP review. One time for new Agreement State applications. Annually for participation by Agreement States in the IMPEP reviews and fulfilling requirements for Agreement States to maintain their programs.

6. *Who will be required or asked to respond:* All Agreement States (39 Agreement States who have signed Agreements with NRC under Section 274b. of the Atomic Energy Act (Act)) and any non-Agreement State seeking to sign an Agreement with the Commission.

7. *The estimated number of annual responses:* 65.

8. *The estimated number of annual respondents:* 40 (39 existing Agreement States and one anticipated new application).

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 298,194 hours (an average of 7,455 hours per respondent). This includes 636 hours to complete the IMPEP questionnaires; 2,250 hours to prepare one new Agreement State application, 468 hours for participation in IMPEP reviews; and 294,840 hours for maintaining Existing Agreement State programs.

10. *Abstract:* The States wishing to become Agreement States are requested to provide certain information to the NRC as specified by the Commission's Policy Statement, ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.'' The Agreement States need to ensure that the radiation control program under the Agreement remains adequate and compatible with the requirements of Section 274 of the Act and must maintain certain information. The NRC conducts periodic evaluations through IMPEP to ensure that these programs are compatible with the NRC's program, meet the applicable parts of the Act, and adequate to protect public health and safety.

Dated at Rockville, Maryland, this 9th day of December 2019.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2019–26749 Filed 12–11–19; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 576 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–60, CP2020–58.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26721 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 137 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–54, CP2020–52.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26715 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 108 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–56, CP2020–54.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26717 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 573 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–53, CP2020–51.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26714 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 107 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–55, CP2020–53.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26716 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 136 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–51, CP2020–49.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26712 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 574 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–57, CP2020–55.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26718 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 138 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–58, CP2020–56.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26719 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 575 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–59, CP2020–57.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26720 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 6, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 572 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–52, CP2020–50.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–26713 Filed 12–11–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87676; File No. SR–CboeEDGA–2019–014]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc; Notice of Withdrawal of a Proposed Rule Change To Amend the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

December 6, 2019.

On August 1, 2019, Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the EDGA Fee Schedule to establish a monthly Trading Rights Fee to be assessed on Members. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on August 20, 2019.[4] The Commission received one comment letter on the proposed rule change, and one response letter from the Exchange.[5] On September 27, 2019, the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] On November 21, 2019, the Exchange withdrew the proposed rule change (SR–CboeEDGA–2019–014).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26729 Filed 12–11–19; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 86684 (August 14, 2019), 84 FR 43242.

[5] *See* Letters from: Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, dated September 12, 2019; Adrian Griffiths, Assistant General Counsel, Cboe, dated September 25, 2019. Comment letters are available on the Commission's website at: *https://www.sec.gov/comments/sr-cboebyx-2019-013/srcboebyx2019013.htm.*

[6] *See* Securities Exchange Act Release No. 87143, 84 FR 52922 (October 3, 2019).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87679; File No. SR–CboeEDGX–2019–050]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc; Notice of Withdrawal of a Proposed Rule Change To Amend the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

December 6, 2019.

On August 1, 2019, Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the EDGX Fee Schedule to establish a monthly Trading Rights Fee to be assessed on Members. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on August 20, 2019.[4] The Commission received one comment letter on the proposed rule change, and one response letter from the Exchange.[5] On September 27, 2019, the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] On November 21, 2019, the Exchange withdrew the proposed rule change (SR–CboeEDGX–2019–050).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26732 Filed 12–11–19; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 86683 (August 14, 2019), 84 FR 43222.

[5] *See* Letters from: Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, dated September 12, 2019; Adrian Griffiths, Assistant General Counsel, Cboe, dated September 25, 2019. Comment letters are available on the Commission's website at: *https://www.sec.gov/comments/sr-cboebyx-2019-013/srcboebyx2019013.htm.*

[6] *See* Securities Exchange Act Release No. 87144; 84 FR 52925 (October 3, 2019).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87677; File No. SR–NASDAQ–2019–091]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Adopt a New Rule Permitting Nasdaq To Halt Trading in a Security and Request Information From the Company Regarding the Number of Unrestricted Publicly Held Shares in Certain Circumstances and in Certain Circumstances Request a Plan To Increase the Number of Unrestricted Publicly Held Shares to an Amount That Is Higher Than the Applicable Publicly Held Shares Requirement

December 6, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 22, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a new rule permitting Nasdaq to halt trading in a security and request information from the company regarding the number of unrestricted publicly held shares when Nasdaq observes unusual trading characteristics in a security or a company announces an event that may cause a contraction in the number of unrestricted publicly held shares.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq's listing requirements include a number of criteria designed to ensure that a listed security has adequate liquidity and is thus suitable for listing and trading on a national securities exchange. These requirements are intended to ensure that there are sufficient shares available for trading to facilitate proper price discovery in the secondary market. On July 5, 2019, the Commission approved Nasdaq's proposed changes to enhance its initial listing standards related to liquidity (the ''Approval Order'').[3] Under the revised standards, securities subject to resale restrictions for any reason (''restricted securities'') are excluded from the calculation of publicly held shares for initial listing purposes.[4] Nasdaq believes that, by excluding securities that are not freely transferrable or available for investors to purchase, the revised standards help the Exchange to ensure that companies seeking to list on Nasdaq have sufficient public float, investor base, and trading interest likely to generate depth and liquidity.

These changes apply only to a company's initial listing, and do not apply to Nasdaq's calculation of publicly held shares for continued listing purposes.[5] Instead, for continued listing purposes, a company is required to maintain a minimum number of publicly held shares, which means shares not held directly or indirectly by an officer, a director or any person who is the beneficial owner of more than 10 percent of the total shares outstanding.[6] Restricted securities are not excluded from the calculation of a listed company's publicly held shares.

Nasdaq believes that, as a result of the exclusion of restricted securities from the liquidity tests upon initial listing, securities listing on Nasdaq will be more likely to trade better after listing. However, while newly listing companies must satisfy the revised initial listing requirements, companies that were not required to meet those requirements upon initial listing may still have restricted securities that are not freely tradable. In addition, a listed company may conduct a transaction that decreases the number of unrestricted securities in its public float, such as a reverse stock split, tender offer, stock buyback, or entering into a contractual agreement such as a standstill or lockup. The Exchange believes that the new initial listing standards do not sufficiently address these concerns, which could potentially result in a security that is illiquid.

Illiquid securities may trade infrequently and in a more volatile manner and change hands at a price that may not reflect their true market value. Less liquid securities may also be more susceptible to price manipulation as a relatively small amount of trading activity can have an inordinate effect on market prices. Nasdaq has observed problems with a small number of listed companies that have a large number of restricted securities in their public float. Such companies may not have sufficient liquidity to meet investor demand, particularly upon announcement of material news, which may result in unusual trading characteristics, such as extreme price movements and unusually large bid-ask spreads.

While Nasdaq's existing rules allow it to apply additional and more stringent criteria to a listed company that satisfies all of the continued listing requirements where there are indications that there is insufficient liquidity in the security to support fair and orderly trading,[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 86314 (July 5, 2019), 84 FR 33102 (July 11, 2019) (approving SR–NASDAQ–2019–009).

[4] Rule 5005(a)(37) defines ''Restricted Securities'' as ''securities that are subject to resale restrictions for any reason, including, but not limited to, securities: (1) Acquired directly or indirectly from the issuer or an affiliate of the issuer in unregistered offerings such as private placements or Regulation D offerings; (2) acquired through an employee stock benefit plan or as compensation for professional services; (3) acquired in reliance on Regulation S, which cannot be resold within the United States; (4) subject to a lockup agreement or a similar contractual restriction; or (5) considered ''restricted securities'' under Rule 144.''

[5] *See* Approval Order at 33112 (''Nasdaq states that it is not proposing to change the requirements for continued listing at this time, and believes that the proposed heightened initial listing requirements will result in enhanced liquidity for the companies that satisfy them on an ongoing basis.'').

[6] Rule 5005(a)(35) defines ''Publicly Held Shares'' as ''shares not held directly or indirectly by an officer, director or any person who is the beneficial owner of more than 10 percent of the total shares outstanding. Determinations of beneficial ownership in calculating publicly held shares shall be made in accordance with Rule 13d–3 under the Act.''

[7] Rule 5101 provides, in part, that ''Nasdaq may use [its broad discretionary authority] to . . . apply additional or more stringent criteria for the initial or continued listing of particular securities, or suspend or delist particular securities based on any event, condition, or circumstance that exists or occurs that makes initial or continued listing of the

Nasdaq believes that it would enhance investor protection and the transparency of Nasdaq's regulatory process to adopt a rule specifying certain situations in which Nasdaq would act in this manner. Therefore, the Exchange is proposing to adopt a new Rule 5120, which would specifically permit Nasdaq to request information from a company regarding the number of unrestricted publicly held shares [8] when Nasdaq observes unusual trading characteristics of a security or if a company announces an event that may cause a contraction in the number of unrestricted publicly held shares. Nasdaq may also halt trading in the security in connection with such a request pursuant to Nasdaq's authority under Rule 4120(a)(5).[9] If information provided by the company, or otherwise obtained by Nasdaq, indicates that the number of unrestricted publicly held shares is below the applicable publicly held shares requirement for continued listing of the security, Nasdaq generally will use its authority under Rule 5101 to apply more stringent criteria and request a plan to increase the number of unrestricted publicly held shares to an amount that is higher than the applicable publicly held shares requirement, as provided in the Rule 5800 Series.[10]

Under proposed Rule 5120, in considering whether there are unusual trading characteristics, Nasdaq may review volume, price movements, spread and the presence or absence of any news. Events that may cause a contraction in the number of unrestricted publicly held shares include reverse stock splits, tender offers, stock buybacks, or entering into contractual agreements such as standstills or lockups. Nasdaq is also proposing to revise Rule 5810(c)(2)(A) to correct punctuation within the rule and add a new subsection (vii) to provide that when Nasdaq requests a plan to increase the number of publicly held shares [sic], such plan must generally be provided to Nasdaq within 45 calendar days of the date of the request.

The proposed rule would not impose any burden on companies, which may not otherwise regularly track or report the number of their unrestricted publicly held shares, to determine these amounts unless Nasdaq observed unusual trading characteristics or a change in the company's total shares outstanding. As such, Nasdaq believes that the proposed rule change is finely tailored to address the Exchange's concerns, without imposing an unnecessary burden on companies.

Finally, Nasdaq is proposing to revise the phrase ''market value of publicly held shares'' to ''Market Value of Publicly Held Shares'' in Rules 5810(c)(3)(A)(i) and 5810(c)(3)(A)(ii) to correct an inadvertent error and clarify that these references are to the term as defined in Rule 5005(a).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The proposed change will enhance transparency and ensure that securities listed on Nasdaq are liquid and have sufficient freely tradable shares to meet investor demand, which will reduce trading volatility and price manipulation, thereby protecting investors and the public interest and supporting fair and orderly trading. Illiquid securities may trade infrequently, in a more volatile manner and with a wider bid-ask spread, all of which may result in trading at a price that may not reflect their true market value. Less liquid securities also may be more susceptible to price manipulation, as a relatively small amount of trading activity can have an inordinate effect on market prices.

Nasdaq believes that it will protect investors and the public interest to halt trading in a security that exhibits unusual trading characteristics and request information from the company regarding its number of unrestricted publicly held shares in order to determine whether such unusual trading characteristics were caused by a large number of restricted securities. Nasdaq believes that it also will protect investors and the public interest to halt trading in a security and request information from the company regarding its number of unrestricted publicly held shares if the company has announced a liquidity-reducing event in order to determine whether a company has a sufficient number of unrestricted publicly held shares following such liquidity-reducing event. The Exchange believes that these changes will help Nasdaq to ensure that the security has enough liquidity to meet investor demand after the liquidity-reducing event, which will support fair and orderly trading.

Nasdaq currently monitors securities for unusual trading characteristics and receives notifications from companies regarding material news and changes in total shares outstanding. Therefore, the proposed rule would not require companies to report unrestricted publicly held shares to Nasdaq on an ongoing basis. As such, Nasdaq believes that the proposed rule change is finely tailored to address the Exchange's concerns, without imposing an unnecessary burden on companies.

The Commission has previously opined on the importance of meaningful listing standards for the protection of investors and the public interest.[13] In particular, the Commission stated:

> Among other things, listing standards provide the means for an exchange to screen issuers that seek to become listed, and to provide listed status only to those that are bona fide companies with sufficient public float, investor base, and trading interest likely to generate depth and liquidity sufficient to promote fair and orderly markets. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[14]

Further, the Exchange believes that this proposal is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. While the proposed changes will only apply to securities exhibiting unusual trading characteristics and companies which announce an event that may cause a contraction in the number of unrestricted publicly held shares of a listed security, they will apply equally

securities on Nasdaq inadvisable or unwarranted in the opinion of Nasdaq, even though the securities meet all enumerated criteria for initial or continued listing on Nasdaq.'' *See also* Approval Order at 33103 (footnote 9).

[8] Rule 5005(a)(45) defines ''Unrestricted Publicly Held Shares'' as ''the Publicly Held Shares that are Unrestricted Securities.'' Rule 5005(a)(46) defines ''Unrestricted Securities'' as ''securities that are not Restricted Securities.''

[9] Rule 4120(a)(5) provides that Nasdaq ''may halt trading in a security listed on Nasdaq when Nasdaq requests from the issuer information relating to: (A) Material news; (B) the issuer's ability to meet Nasdaq listing qualification requirements, as set forth in the Listing Rule 5000 Series; or (C) any other information which is necessary to protect investors and the public interest.''

[10] The Rule 5800 Series sets forth procedures for the independent review, suspension, and delisting of companies that fail to satisfy one or more standards for initial or continued listing, and thus are ''deficient'' with respect to the listing standards.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] Securities Exchange Act Release No. 65708 (November 8, 2011), 76 FR 70799 (November 15, 2011) (approving SR–Nasdaq–2011–073 adopting additional listing requirements for companies applying to list after consummation of a ''reverse merger'' with a shell company).

[14] *Id.* at 70802.

to all such securities listed on Nasdaq and the Exchange believes that evidence of unusual trading characteristics is a non-discriminatory reason to apply additional criteria to these securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. All companies and securities listed on Nasdaq will be affected in the same manner by these changes, across all market tiers. To the extent that companies prefer listing on a market with these proposed listing standards, other exchanges can choose to adopt similar enhancements to their requirements. As such, these changes are neither intended to, nor expected to, impose any burden on competition between exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2019–091 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2019–091. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2019–091 and should be submitted on or before January 2, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26728 Filed 12–11–19; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87678; File No. SR–CboeEDGX–2019–029]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc; Notice of Withdrawal of a Proposed Rule Change To Amend the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

December 6, 2019.

On April 29, 2019, Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the EDGX Fee Schedule to establish a monthly Trading Rights Fee to be assessed on Members. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on May 16, 2019.[4] On June 28, 2019, the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] In response to the EDGX OIP, the Commission received three comment letters, including a response letter from the Exchange.[6] On November 12, 2019, pursuant to Section 19(b)(2) of the Act,[7] the Commission designated a longer period within which to approve or disapprove the proposed rule change.[8] On November 21, 2019, the Exchange withdrew the proposed rule change (SR–CboeEDGX–2019–029).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 85838 (May 10, 2019), 84 FR 22174.

[5] *See* Securities Exchange Act Release No. 86231, 84 FR 32233 (July 05, 2019) (''EDGX OIP'').

[6] *See* Letters from Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, dated July 26, 2019; Tyler Gellasch, Executive Director, Healthy Markets, dated July 26, 2019; and Rebecca Tenuta, Counsel, Cboe Global Markets, dated August 9, 2019.

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 87498, 84 FR 63688 (November 18, 2019). The Commission designated January 11, 2020, as the date by which the Commission would approve or disapprove the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87672; File No. SR–OCC–2019–806]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of No Objection To Advance Notice Related To Proposed Changes to The Options Clearing Corporation's Rules, Clearing Fund Methodology Policy, and Clearing Fund and Stress Testing Methodology

December 6, 2019.

I. Introduction

On October 10, 2019, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2019–806 (''Advance Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'') [3] to make changes to OCC's Clearing Fund and stress testing rules and methodology.[4] The Advance Notice was published for public comment in the **Federal Register** on November 12, 2019,[5] and the Commission has received no comments regarding the changes proposed in the Advance Notice.[6] The Commission is hereby providing notice of no objection to the Advance Notice.

II. Background [7]

As noted above, OCC proposes to revise its Clearing Fund and stress testing rules and methodology. Specifically, OCC proposes to: (1) Incorporate a new set of stress test scenarios to be used in the monthly sizing of OCC's Clearing Fund that are designed to capture the risks of extreme moves in individual or small subsets of securities; (2) revise OCC's stress testing methodology for modeling certain volatility index futures; (3) modify OCC's methodology for allocating Clearing Fund contribution requirements to standardize the margin risk component of the allocation formula for all Clearing Members; and (4) adopt an additional threshold for notifying senior management of intra-day margin calls based on certain stress test results. OCC also proposes to correct certain rules concerning OCC's cooling-off period and replenishment/assessment powers.[8]

A. Sizing Stress Test Scenarios

On a monthly basis, OCC establishes the size of its Clearing Fund at the level it believes is necessary to maintain sufficient financial resources to cover losses arising from the default of the two Clearing Member Groups that would potentially cause the largest aggregate credit exposure to OCC under certain stress scenarios.[9] OCC determines the size of its Clearing Fund each month through an approach based on broad-based market and systemic shocks (''Systemic Scenarios'').[10] OCC proposes to incorporate an additional set of stress test scenarios to be used in the monthly sizing of OCC's Clearing Fund that are designed to capture the risks of extreme moves in individual or small subsets of securities (''Idiosyncratic Scenarios''). The Idiosyncratic Scenarios would be in addition to the existing Systemic Scenarios. Because OCC's monthly Clearing Fund sizing process is designed to cover OCC's largest aggregate stress test exposures, the expansion of the set of Clearing Fund sizing stress tests could not reduce the size of OCC's Clearing Fund.

In constructing the Idiosyncratic Scenarios, OCC would shock each single-name equity (*i.e.,* excluding exchange-traded funds, exchange-traded notes, indices, and non-equity products). OCC would evaluate the effects of such shocks on every Clearing Member Group's portfolios. Within each Clearing Member Group's portfolio, OCC would identify the four single-name equities for which such shocks would result in the largest losses. OCC would then identify the two Clearing Member Groups with the largest aggregate losses. The combined losses of the two identified Clearing Member Groups would represent the loss that OCC would seek to cover in its monthly Clearing Fund sizing process. OCC believes that implementing the proposed Idiosyncratic Scenarios would enhance OCC's stress testing methodology and overall resiliency by providing a more comprehensive suite of sizing stress tests to ensure that OCC maintains an appropriate level of financial resources to cover its credit exposures under scenarios addressing both systemic market risks and idiosyncratic risks.[11]

B. Volatility Index Futures

Under OCC's current stress testing methodology, prices shocks for futures based on the Cboe Volatility Index (''VIX'') [12] are equivalent to a price shock for the underlying. Because the VIX has no term structure, this process produces a uniform shock across expirations of the VIX futures contracts. Futures contracts for different expirations, however, generally trade at different prices reflecting the differing future price expectations of the underlying asset.[13] OCC believes that applying a uniform shock across expirations is unrealistic, and that it would lead to an overestimation of VIX futures price shocks, particularly in market decline scenarios.[14] As noted above, OCC proposes to revise its stress testing methodology for modeling certain volatility index futures.

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[9] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

[4] *See* Notice of Filing *infra* note 5, at 84 FR 61120.

[5] Securities Exchange Act Release No. 87475 (Nov. 6, 2019), 84 FR 61120 (Nov. 12, 2019) (File No. SR–OCC–2019–806) (''Notice of Filing''). On October 10, 2019, OCC also filed a related proposed rule change (SR–OCC–2019–009) with the Commission pursuant to Section 19(b)(1) of the Exchange Act and Rule 19b-4 thereunder (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. In the Proposed Rule Change, which was published in the **Federal Register** on October 29, 2019, OCC seeks approval of proposed changes to its rules necessary to implement the Advance Notice. Securities Exchange Act Release No. 87386 (Oct. 23, 2019), 84 FR 57911 (Oct. 29, 2019). The comment period for the related Proposed Rule Change filing closed on November 19, 2019.

[6] Since the proposal contained in the Advance Notice was also filed as a proposed rule change, all public comments received on the proposal are considered regardless of whether the comments are submitted on the Proposed Rule Change or the Advance Notice.

[7] Capitalized terms used but not defined herein have the meanings specified in OCC's Rules and By-Laws, available at *https://www.theocc.com/about/publications/bylaws.jsp.*

[8] Additionally, OCC proposes clarifying and conforming changes to its Rules, Clearing Fund Methodology Policy (''Policy''), and Stress Testing and Clearing Fund Methodology Description (''Methodology Description'').

[9] *See* Notice of Filing, 84 FR at 61121.

[10] *See* Notice of Filing, 84 FR at 61122. *See also,* Securities Exchange Act Release No. 83735 (Jul. 27, 2018), 83 FR 37855, 37857 (Aug. 2, 2019) (SR–OCC–2018–008) (describing OCC's Clearing Fund sizing stress test scenarios as an approach based on hypothetical stress scenarios that assume shocks to the Cboe S&P 500 Index (''SPX'') associated with a 1-in-80-year market event).

[11] *See* Notice of Filing, 84 FR at 61122.

[12] The VIX is an index designed to measure the 30-day expected volatility of the SPX.

[13] When there is a large shock to the VIX it has consistently been observed that the change in price of near-term VIX future contracts is much larger than for further out expirations. *See* Notice of Filing, 84 FR at 61122, n. 11.

[14] *See* Notice of Filing, 84 FR at 61122.

Specifically, the proposed change would produce differing price shocks for VIX futures across the term structure. The proposed methodology would be based on SPX volatility shocks across different expirations, as opposed to the current methodology's reliance on a single shock to the VIX. OCC believes that implementation of the proposed methodology would improve pricing for VIX futures as well as VIX options.[15]

C. Clearing Fund Allocation

OCC allocates Clearing Fund contribution requirements to individual Clearing Members, in part, based on each Clearing Member's proportionate share of risk margin, which OCC refers to as ''total risk.'' [16] The majority of Clearing Member margin requirements are based on OCC's System for Theoretical Analysis and Numerical Simulations (''STANS''), which is OCC's proprietary risk management system. The margin requirement for certain Clearing Members' accounts, however, is calculated using the Standard Portfolio Analysis of Risk Margin Calculation System (''SPAN''), which reflects customer gross margining.[17] OCC proposes to define ''total risk'' as based on the same margin model for all Clearing Members.[18] OCC believes it is more appropriate to use the same margin risk measurement for all Clearing Members when allocating Clearing Fund contribution requirements to allow for a more equitable comparison across all accounts.[19]

D. Margin Call Notification

On a daily basis, OCC evaluates the sufficiency of its financial resources based on OCC's potential exposure to Clearing Member Groups under certain stress test scenarios (''Sufficiency Stress Tests''). Based on the results of the Sufficiency Stress Tests, OCC may call for additional collateral to ensure that it maintains sufficient financial resources to guard against potential losses. For example, OCC is authorized to make an intra-day margin call against a Clearing Member Group whose Sufficiency Stress Test exposures breach a pre-determined threshold. Currently, OCC's rules require that written notification of such intra-day margin calls in excess of $500 million be provided to OCC's Executive Chairman, Chief Executive Officer, and Chief Operating Officer (''Office of the CEO''). OCC proposes to revise its rules to require that written notification of stress test-related intra-day margin calls also be sent to the Office of the CEO when a stress test-related intra-day margin call would exceed 75 percent of the Clearing Member's excess net capital. OCC believes that this additional notification requirement is appropriate because it would allow OCC's senior management to be informed as soon as practicable of, and to subsequently monitor, circumstances where a margin call may strain a particular Clearing Member's ability to meet such requirements based on its financial condition or the amount of collateral it has available to pledge when certain pre-identified thresholds have been exceeded.[20]

E. Cooling-Off Period

In 2018, OCC implemented a set of recovery tools, including revisions to OCC's authority to assess its Clearing Members for funds to replenish OCC's Clearing Fund.[21] For example, OCC implemented a ''cooling-off period'' during which its authority to levy such assessments is capped, which provides certainty to Clearing Members regarding their potential obligations to OCC. In proposing such revisions, OCC intended that the cooling-off period would be triggered by any proportionate Clearing Fund charges to Clearing Members related to the default of a Clearing Member.[22] OCC's current rules, however, do not provide for a cooling-off period based on proportionate Clearing Fund charges arising out of two specific sets of circumstances: (1) In connection with protective transactions effected for the account of OCC pursuant to Chapter XI of OCC's Rules and (2) as a result of a failure of any Clearing Member to make any other required payment or render any other required performance (as provided in clauses (v) and (vi) of OCC Rule 1006(a)). OCC proposes to revise its rules such that any proportionate Clearing Fund charges to Clearing Members related to the default of a Clearing Member, including the two listed above, would trigger a cooling-off period.

III. Commission Findings and Notice of No Objection

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, the stated purpose of the Clearing Supervision Act is instructive: to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities (''SIFMUs'') and strengthening the liquidity of SIFMUs.[23]

Section 805(a)(2) of the Clearing Supervision Act [24] authorizes the Commission to prescribe regulations containing risk-management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act [25] provides the following objectives and principles for the Commission's risk-management standards prescribed under Section 805(a):

- To promote robust risk management;
- to promote safety and soundness;
- to reduce systemic risks; and
- to support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk-management standards may address such areas as risk-management and default policies and procedures, among other areas.[26]

The Commission has adopted risk-management standards under Section 805(a)(2) of the Clearing Supervision Act and Section 17A of the Exchange Act (the ''Clearing Agency Rules'').[27]

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[15] *See* Notice of Filing, 84 FR at 61123. OCC uses VIX futures to calculate theoretical values for VIX options.

[16] Currently, OCC uses the following weighting in its allocation of clearing fund requirements: 70 percent total risk; 15 percent open interest; and 15 percent volume. *See* Securities Exchange Act Release No. 83735 (Jul. 27, 2018), 83 FR 37855, 37863 (Aug. 2, 2019) (SR–OCC–2018–008).

[17] *See* Notice of Filing, 84 FR at 61123, n. 16 (stating that ''OCC calculates margin requirements for segregated futures accounts using both SPAN on a gross basis and STANS on a net basis, and if at any time OCC staff observes a segregated futures account where initial margin calculated pursuant to STANS on a net basis exceeds the initial margin calculated pursuant to SPAN on a gross basis, OCC collateralizes this risk exposure by applying an additional margin charge in the amount of such difference to the account'' (citation omitted)).

[18] Specifically, OCC proposes to use STANS plus certain add-on charges as the basis for determining each Clearing Member's proportionate share of total risk.

[19] *See* Notice of Filing, 84 FR at 61123.

[20] *See* Notice of Filing, 84 FR at 61123.

[21] *See* Securities Exchange Act Release No. 83916 (Aug. 23, 2018), 83 FR 44076 (Aug. 29, 2018) (SR–OCC–2017–020).

[22] *See* Notice of Filing, 84 FR at 61124. Such triggers include the assessments arising out of a Clearing Member's failure to meet its obligations regarding confirmed trades, exercised or assigned contracts, stock loan transactions, or the liquidation of a Clearing Member's open positions. *See id.* at n. 22.

[23] *See* 12 U.S.C. 5461(b).

[24] 12 U.S.C. 5464(a)(2).

[25] 12 U.S.C. 5464(b).

[26] 12 U.S.C. 5464(c).

[27] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (Nov. 2, 2012) (S7–08–11). *See also* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14) (''Covered Clearing Agency Standards''). The Commission established an

The Clearing Agency Rules require, among other things, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for its operations and risk-management practices on an ongoing basis.[28] As such, it is appropriate for the Commission to review advance notices against the Clearing Agency Rules and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act. As discussed below, the Commission believes the changes proposed in the Advance Notice are consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[29] and in the Clearing Agency Rules, in particular Rules 17Ad–22(e)(2) and (4).[30]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the proposal contained in OCC's Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act. Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management in the area of credit risk, promoting safety and soundness, reducing systemic risks, and supporting the stability of the broader financial system.[31]

The Commission believes that the proposed changes to OCC's stress testing methodology are consistent with the promotion of robust risk management as well as safety and soundness at OCC. As described above, OCC proposes to expand the suite of stress tests it uses to size the Clearing Fund each month, and to revise OCC's estimation of VIX futures prices for stress testing. The introduction of the Idiosyncratic Scenarios to the monthly sizing of OCC's Clearing Fund would be in addition to the Systemic Scenarios OCC already uses to size its Clearing Fund and would help OCC address risks not currently contemplated by OCC's Systemic Scenarios. Additionally, OCC proposes to revise its process for shocking VIX futures prices to reflect the actual term structure dynamics of such futures. OCC's current use of a uniform shock for VIX futures contracts, regardless of tenure, is inconsistent with its observation that futures contracts with different expirations generally trade at different prices reflecting the differing future price expectations of the underlying asset. By enhancing its methodology for modeling price shocks for VIX futures, OCC should be able to produce more appropriate VIX futures price shocks in its stress scenarios, which in turn should enhance OCC's ability to accurately and appropriately size its Clearing Fund. The Commission believes that these changes, taken together, are consistent with the promotion of robust risk management as well as safety and soundness at OCC.

The Commission also believes that the proposed changes to OCC's stress testing methodology are generally consistent with reducing systemic risk and supporting the broader financial system. The introduction of the Idiosyncratic Scenarios and revision of stress test shocks to VIX futures are designed to provide OCC with a more robust and accurate stress testing methodology. OCC uses its stress testing methodology to size and monitor its total financial resources. OCC relies on such resources to manage the potential losses arising out of the default of a Clearing Member under extreme but plausible market conditions. Strengthening the methodology that OCC uses to manage its financial resources, therefore, strengthens OCC's ability to manage Clearing Member defaults, which, in turn, enhances OCC's ability to manage systemic risk and to support the broader financial system.

The Commission believes that the proposed changes regarding notice of intra-day margin requirements and allocation of Clearing Fund requirements also are consistent with the promotion of robust risk management at OCC. Currently, OCC notifies its Office of the CEO when intra-day margin calls generated in response to OCC's daily stress tests are large in absolute terms (*i.e.,* in excess of $500 million). OCC proposes to also notify its Office of the CEO when such margin calls are large relative to the Clearing Member against which they are made (*i.e.,* in excess of 75 percent of the Clearing Member's excess net capital). The Commission believes that such notification would provide additional meaningful risk management information to OCC's senior management, which in turn could be used to inform critical decisions. Additionally, OCC proposes to revise its method of allocating Clearing Fund contribution requirements across Clearing Members. OCC proposes to redefine the ''total risk'' component of its Clearing Fund allocation formula such that it would rely on the same underlying model for all Clearing Members when calculating total risk (as opposed to using different models for different Clearing Members depending on their cleared positions). The proposed change would not alter the allocation weighting, but, in the Commission's view, it would provide a more consistent metric by which to assess risks across Clearing Members.[32] The Commission believes that these changes as well are consistent with the promotion of robust risk management as well as safety and soundness at OCC.

Finally, the Commission believes that the proposed expansion of triggers for the cooling-off period is consistent with the promotion of safety and soundness at OCC. The Commission continues to believe that the cooling-off period provides certainty and predictability regarding Clearing Members' maximum liability for Clearing Fund contributions.[33] Currently, however, the cooling-off period would be triggered by some, but not all proportionate Clearing Fund charges to Clearing Members arising out of a Clearing Member's failure to meet certain obligations under OCC's rules. OCC proposes to expand the set of events that would trigger the cooling-off period to include certain protective transactions and the failure of a Clearing Member to meets its obligations under certain of OCC's rules. The two events to be added as cooling-off period triggers are similar to the current triggers in that they pertain to proportionate Clearing Fund charges designed to manage the failure of a Clearing Member to meet its obligations to OCC. The Commission believes that including these two additional events as cooling-off period triggers would provide Clearing Members with additional certainty and predictability regarding their potential maximum liability for Clearing Fund contributions, which in turn is consistent with the promotion of safety and soundness at OCC.

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance

effective date of December 12, 2016 and a compliance date of April 11, 2017 for the Covered Clearing Agency Standards. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5). The Commission established an effective date of December 12, 2016 and a compliance date of April 11, 2017 for the Covered Clearing Agency Standards. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5).

[28] 17 CFR 240.17Ad–22.

[29] 12 U.S.C. 5464(b).

[30] 17 CFR 240.17Ad–22(e)(2) and 17 CFR 240.17Ad–22(e)(4).

[31] 12 U.S.C. 5464(b).

[32] While the proposed change would not affect the total size of the Clearing Fund, it would result in changes to Clearing Members' proportionate share of the Clearing Fund.

[33] *See* Securities Exchange Act Release No. 83916 (Aug. 23, 2018), 83 FR 44076, 44082 (Aug. 29, 2018) (SR–OCC–2017–020).

Notice are consistent with Section 805(b) of the Clearing Supervision Act.[34]

B. Consistency With Rule 17Ad–22(e)(2) Under the Exchange Act

Rule 17Ad–22(e)(2)(v) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that, among other things, specify clear and direct lines of responsibility.[35]

As described above, OCC proposes to add a new internal reporting requirement regarding certain intra-day margin calls. OCC may call for additional margin from Clearing Members based on the results of its Sufficiency Stress Tests. In addition to notifying its Office of the CEO when such margin calls are large in absolute terms (*i.e.,* in excess of $500 million), OCC now proposes to also notify to its Office of the CEO when such margin calls are large relative to the Clearing Member against which they are made (*i.e.,* in excess of 75 percent of the Clearing Member's excess net capital). The Commission agrees that such notification would inform OCC's senior management, who could then monitor circumstances as appropriate, when an intra-day margin call could strain the resources of a particular Clearing Member based on its financial condition. Accordingly, the Commission believes that the adoption of such a notification requirement is consistent with Rule 17Ad–22(e)(2)(v) under the Exchange Act.[36]

C. Consistency With Rule 17Ad–22(e)(4) Under the Exchange Act

Rule 17Ad–22(e)(4) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes.[37]

1. Stress Testing

Rules 17Ad–22(e)(4)(i) and (iii) under the Exchange Act require that a covered clearing agency's policies and procedures meet the requirements of Rule 17Ad–22(e)(4) by maintaining financial resources at the minimum to enable OCC to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for OCC in extreme but plausible market conditions.[38] Further, Rule 17Ad–22(e)(4)(vi) under the Exchange Act requires that a covered clearing agency's policies and procedures meet the requirements of Rule 17Ad–22(e)(4) by testing the sufficiency of a covered clearing agency's total financial resources available to meet the minimum financial resource requirements under Rules 17Ad–22(e)(4)(i) through (iii).[39]

As described above, OCC proposes to expand the set of stress tests that it uses to size the Clearing Fund by adding the Idiosyncratic Scenarios to its current suite of stress tests. The Idiosyncratic Scenarios are designed to capture the risk of extreme moves in individual securities or small subsets of securities while the current Systemic Scenarios are based on broad-based market and systemic shocks. Consistent with the general view that expanding the types of scenarios that a clearing agency uses in its monthly sizing process makes the clearing agency's risk management robust to a broader range of shocks, the Commission believes that OCC's proposal to add the Idiosyncratic Scenarios to its suite of stress tests would be a strengthening change that is consistent with the requirements of Rules 17Ad–22(e)(4)(i) and (iii) under the Exchange Act.[40]

Additionally, OCC proposes to revise its stress testing methodology to produce differing price shocks for VIX futures across the term structure. The proposed methodology would be based on SPX volatility shocks across different expirations, as opposed to the current methodology's reliance on a single shock to the VIX. As discussed above, these changes would help OCC produce more appropriate VIX futures price shocks in its stress scenarios, which in turn should enhance OCC's ability to accurately and appropriately size its Clearing Fund, consistent with the requirements of Rule 17Ad–22(e)(4)(vi).

Accordingly, the Commission believes that, taken together, OCC's proposed changes to its stress testing methodology would be consistent with the requirements of Rules 17Ad–22(e)(4)(i), (iii), and (vi).[41]

2. Clearing Fund Allocation

As noted above, Rule 17Ad–22(e)(4) under the Exchange Act generally requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes.[42]

OCC relies on the Clearing Fund as a source of mutualized resources available to manage losses arising out of a Clearing Member's default. OCC's method for allocating contributions to the Clearing Fund among Clearing Members is aligned primarily with the credit risk posed by each Clearing Member.[43] OCC proposes to redefine the margin risk component of its Clearing Fund allocation formula such that it would rely on the same underlying model—STANS—for all Clearing Members (as opposed to relying on STANS for most Clearing Members and SPAN for certain Clearing Members with segregated futures accounts). The proposed change would not change the overall allocation weighting (*i.e.,* margin risk would still account for 70 percent of Clearing Members' Clearing Fund allocation), but the Commission believes it would provide a more consistent metric by which to assess margin risk across Clearing Members. Accordingly, the Commission believes that the proposed change is reasonably designed to support the management of OCC's credit exposures to its participants. OCC relies on the Clearing Fund as a source of mutualized resources available to manage losses arising out of a Clearing Member's default. OCC method for allocating contributions to the Clearing Fund is aligned primarily with the credit risk posed by each Clearing Member. The proposed change would not change the allocation weighting but, the Commission believes, it would provide a more consistent metric by which to assess risks across Clearing Members. The Commission believes, therefore, that OCC's proposed change to its Clearing Fund allocation methodology is consistent with the requirements of Rule 17Ad–22(e)(4).[44]

3. Cooling-Off Period

Rule 17Ad–22(e)(4)(ix) under the Exchange Act requires, in part, that a

[34] 12 U.S.C. 5464(b).

[35] 17 CFR 240.17Ad–22(e)(2)(v).

[36] 17 CFR 240.17Ad–22(e)(2)(v).

[37] 17 CFR 240.17Ad–22(e)(4).

[38] 17 CFR 240.17Ad–22(e)(4)(i) and 17 CFR 240.17Ad–22(e)(4)(iii).

[39] 17 CFR 240.17Ad–22(e)(4)(vi).

[40] 17 CFR 240.17Ad–22(e)(4)(i) and 17 CFR 240.17Ad–22(e)(4)(iii).

[41] 17 CFR 240.17Ad–22(e)(4)(i); 17 CFR 240.17Ad–22(e)(4)(iii); and 17 CFR 240.17Ad–22(e)(4) (vi).

[42] 17 CFR 240.17Ad–22(e)(4).

[43] Clearing Fund allocations are based on a weighting of 70% margin risk, what OCC refers to as the ''total risk'' component of its Clearing Fund allocation formula, with open interest and cleared volume weighted at 15% each.

[44] 17 CFR 240.17Ad–22(e)(4).

covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to describe its process to replenish any financial resources it may use following a default or other event in which use of resources is contemplated.[45]

As noted above, OCC's current recovery tools include a cooling-off period, during which OCC's authority to assess Clearing Members for funds to replenish OCC's Clearing Fund is limited. Recognizing the limit that such a cooling-off period places on the financial resources available to OCC, the Commission continues to believe that the cooling-off period provides certainty and predictability regarding Clearing Members' maximum liability for Clearing Fund contributions.[46] OCC proposes to expand the set of events that would start the cooling-off period to include proportionate Clearing Fund charges to Clearing Members triggered by certain protective transactions or the failure of a Clearing Member to meet certain obligations under OCC's rules, consistent with OCC's original intention with its prior filing. The two events to be added as triggers for the cooling-off period are similar to the current triggers in that they pertain to amounts paid out of the Clearing Fund to manage the failure of a Clearing Member to meet its obligations to OCC. Consistent with the Commission's statements regarding the current formulation of the cooling-off period, the Commission believes that the proposed expansion is consistent with OCC's obligations to describe its process to replenish any financial resources it may use following a default or other event in which use of resources is contemplated as required under Rule 17Ad–22(e)(4)(ix).[47]

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Rule 17Ad–22(e)(4) under the Exchange Act.[48]

IV. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act, that the Commission *does not object* to Advance Notice (SR–OCC–2019–806) and that OCC is *authorized* to implement the proposed change as of the date of this notice or the date of an order by the Commission approving proposed rule change SR–OCC–2019–009 whichever is later.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26730 Filed 12–11–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87674; File No. SR–CboeEDGA–2019–011]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc; Notice of Withdrawal of a Proposed Rule Change To Amend the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

December 6, 2019.

On May 2, 2019, Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the EDGA Fee Schedule to establish a monthly Trading Rights Fee to be assessed on Members. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on May 16, 2019.[4] On June 28, 2019, the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] In response to the EDGA OIP, the Commission received three comment letters, including a response letter from the Exchange.[6] On November 12, 2019, pursuant to Section 19(b)(2) of the Act,[7] the Commission designated a longer period within which to approve or disapprove the proposed rule change.[8] On November 22, 2019, the Exchange withdrew the proposed rule change (SR–CboeEDGA–2019–011).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87673; File No. SR–OCC–2019–807]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of No Objection To Advance Notice Related to Proposed Changes to The Options Clearing Corporation's Rules, Margin Policy, Margin Methodology, Clearing Fund Methodology Policy, and Clearing Fund and Stress Testing Methodology To Address Specific Wrong-Way Risk

December 6, 2019.

I. Introduction

On October 10, 2019, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2019–807 (''Advance Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'') [3] to revise OCC's Rules, margin policy and methodology, Clearing Fund policy, and Clearing Fund and stress testing methodology to adopt new margin charges and other risk measures to address the specific wrong-way risk presented by certain cleared positions.[4] The Advance Notice was published for public comment in the **Federal Register** on November 12, 2019,[5] and the

[45] 17 CFR 240.17Ad–22(e)(4)(ix).

[46] *See* Securities Exchange Act Release No. 83916 (Aug. 23, 2018), 83 FR 44076, 44082 (Aug. 29, 2018) (SR–OCC–2017–020).

[47] 17 CFR 240.17Ad–22(e)(4)(ix).

[48] 17 CFR 240.17Ad–22(e)(4).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 85842 (May 10, 2019), 84 FR 22212.

[5] *See* Securities Exchange Act Release No. 86236, 84 FR 32235 (July 05, 2019) (''EDGA OIP'').

[6] *See* Letters from Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, dated July 26, 2019; Tyler Gellasch, Executive Director, Healthy Markets, dated July 26, 2019; and Rebecca Tenuta, Counsel, Cboe Global Markets, dated August 9, 2019.

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 87497, 84 FR 63688 (November 18, 2019). The Commission designated January 11, 2020, as the date by which the Commission would approve or disapprove the proposed rule change.

[9] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

[4] *See* Notice of Filing *infra* note 5, at 84 FR 61114.

[5] Securities Exchange Act Release No. 87476 (Nov. 6, 2019), 84 FR 61114 (Nov. 12, 2019) (File No. SR–OCC–2019–807) (''Notice of Filing''). On October 10, 2019, OCC also filed a related proposed rule change (SR–OCC–2019–010) with the Commission pursuant to Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. In the Proposed Rule Change, which was published in the **Federal Register** on October 29, 2019, OCC seeks approval

Continued

Commission has received no comments regarding the changes proposed in the Advance Notice.[6] The Commission is hereby providing notice of no objection to the Advance Notice.

II. Background [7]

As a central counterparty (''CCP''), OCC is exposed to its Clearing Members' positions. To the extent that the value of a Clearing Member's positions is positively correlated with the creditworthiness of the Clearing Member, OCC faces specific wrong-way risk (''SWWR'').[8] OCC proposes changes to address such SWWR. Specifically OCC proposes to: (1) Adopt a new SWWR margin add-on charge for OCC's margin methodology (''SWWR Add-on''); (2) introduce stress test scenarios to measure the SWWR, to the extent not addressed in margin, of cleared positions involving Clearing Member-issued exchange-traded notes (''ETNs''); and (3) impose restrictions on stock lending activity cleared by OCC.[9]

A. SWWR Margin Add-on

As a general matter, OCC uses its System for Theoretical Analysis and Numerical Simulations (''STANS'') methodology for calculating Clearing Member margin requirements. OCC also incorporates add-on charges to address risks not otherwise addressed by its STANS methodology.[10] OCC proposes to adopt a new margin add-on to address SWWR at the Clearing Member account level (*i.e.,* the SWWR Add-on). The SWWR Add-on would address SWWR presented by cleared positions involving equities and ETNs issued by a Clearing Member and its affiliates and would comprise three components: (1) ''SWWR Equity Charge,'' (2) ''SWWR ETN Charge,'' and (3) ''SWWR Residual.'' Each of these components is discussed below.

1. SWWR Equity Charge

The proposed SWWR Equity Charge is based on the assumption that, when a Clearing Member defaults, the value of any equity security issued by the Clearing Member or its affiliates would fall to zero. For purposes of calculating the SWWR Equity Charge, OCC would value a Clearing Member's positions accordingly (*i.e.,* all stocks, single stock futures, call options, and put options would be valued at zero).[11] Any potential gain from the SWWR positions would be excluded by defining the minimum SWWR Equity Charge as zero. OCC stated that the purpose of the SWWR Equity Charge would be to provide protection from the risk of potential market exposure to products based on a Clearing Member Group's own equity in a default or bankruptcy scenario.[12]

2. SWWR ETN Charge

The SWWR ETN Charge would be designed to address the risk that the value of open positions related to uncollateralized ETNs issued by a Clearing Member or its affiliates would be correlated with the Clearing Member's credit quality. Similar to the SWWR Equity Charge, the SWWR ETN Charge assumes that a degradation in the value of securities issued by a Clearing Member or its affiliates would occur concurrently with the Clearing Member's default. The SWWR ETN Charge, however, would not assume a complete loss of value for the relevant securities (*i.e.,* ETNs issued by the Clearing Member or its affiliates). OCC states that such uncollateralized ETNs are generally equivalent to unsecured senior debt.[13] OCC, in turn, proposes to utilize an industry standard recovery rate assumption designed to reflect potential losses to ETN positions for the purpose of setting the SWWR ETN Charge component of the SWWR Add-on.

3. SWWR Residual

The SWWR Residual would ensure that implementation of the SWWR Add-on would not reduce a Clearing Member's overall margin requirements.[14] To determine the SWWR Residual, OCC would first calculate a ''base margin'' under on OCC's current methodology (*i.e.,* not assuming any specific degradation in the value of securities issued by a Clearing Member or its affiliates). Next, OCC would calculate a ''residual margin,'' which would represent the Clearing Member's margin requirement for only those positions unaffected by the SWWR Equity Charge and SWWR ETN Charge. Finally, the SWWR Residual would be the difference between the residual margin and the base margin; however, OCC would adjust the value of the SWWR Residual if the sum of the SWWR Equity Charge, SWWR ETN Charge, and SWWR Residual would otherwise reduce a Clearing Member's margin requirement.

B. SWWR Stress Test Scenarios

As noted above, the proposed SWWR ETN Charge would not assume a complete loss of value for ETNs issued by a Clearing Member or its affiliates. The SWWR Add-on, in turn, would not generate margin requirements designed to cover a scenario in which the recovery rate for such ETNs would be zero. To address such a scenario, OCC proposes to introduce new scenarios into the set of stress tests that OCC uses to test the sufficiency of its financial resources (''SWWR Sufficiency Scenarios''). To construct the SWWR Sufficiency Scenarios, OCC would revise certain of its existing stress test scenarios by assuming a value of zero for ETNs issued by a Clearing Member or its affiliates. OCC stated that the introduction of SWWR Sufficiency Scenarios would enable OCC to more accurately measure its credit risks as they relate to SWWR and better test the sufficiency of its overall financial resources as well as to call for additional resources as appropriate.[15]

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of proposed changes to its rules necessary to implement the Advance Notice. Securities Exchange Act Release No. 87387 (Oct. 23, 2019), 84 FR 57890 (Oct. 29, 2019). The comment period for the related Proposed Rule Change filing closed on November 19, 2019.

[6] Since the proposal contained in the Advance Notice was also filed as a proposed rule change, all public comments received on the proposal are considered regardless of whether the comments are submitted on the Proposed Rule Change or the Advance Notice.

[7] Capitalized terms used but not defined herein have the meanings specified in OCC's Rules and By-Laws, available at *https://www.theocc.com/about/publications/bylaws.jsp.*

[8] SWWR arises when an exposure to a participant is highly likely to increase when the creditworthiness of that participant is deteriorating. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786, 70816, n. 317 (October 13, 2016) (S7–03–14) (''Covered Clearing Agency Standards'').

[9] OCC also proposes clarifying and conforming changes to the Clearing Fund Methodology Policy (''CFM Policy'') and Stress Testing and Clearing Fund Methodology Description (''Methodology Description'').

[10] *See e.g.* Securities Exchange Act Release No. 86119 (Jun. 17, 2019), 84 FR 29267 (Jun. 21, 2019) (approving implementation of an add-on charge ''to guard against potential shortfalls in margin requirements that may arise due to the costs of liquidating the portfolio of a defaulted Clearing Member.'')

[11] Because the SWWR arising from equities issued by a Clearing Member or its affiliates would be fully covered as part of margins, OCC proposes to remove such positions from Clearing Fund calculations under OCC's Clearing Fund methodology and would revise its Methodology Description accordingly.

[12] *See* Notice of Filing, 84 FR at 61116.

[13] *See* Notice of Filing, 84 FR at 61117.

[14] OCC noted that where a customer of a Clearing Member has net short positions referencing that Clearing Member's issued equities, such positions may actually present ''right-way risk,'' whereby the position would result in a gain or margin credit for that account as the credit quality of the Clearing Member deteriorates. *See* Notice of Filing, 84 FR at 61117, n. 20.

[15] *See* Notice of Filing, 84 FR 61117. OCC's current rules authorize OCC to call for additional resources based on the results of stress scenarios used to test the sufficiency of OCC's financial resources. *See* Securities Exchange Act Release No.

OCC believes, therefore, it would have sufficient financial resources to cover the SWWR associated with SWWR ETN positions if such positions were to be liquidated for less than the assumed recovery rate.[16]

C. Stock Lending Restrictions

Through its stock loan programs,[17] OCC novates stock loan transactions and becomes the lender to each Borrowing Clearing Member and the borrower to each Lending Clearing Member. OCC is exposed to SWWR in such programs when a Clearing Member lends equity securities or ETNs issued by the Clearing Member or its affiliates. To mitigate such risks, OCC proposes prohibiting Clearing Members from lending equity securities or ETNs issued by the Clearing Member or its affiliates within OCC's stock loan programs. OCC does not believe that the proposed prohibition would have a material impact on Clearing Members because Clearing Members do not typically lend their own equity securities, and borrowers do not typically accept equity securities issued by their lending counterparty.[18] Further, market participants are able to engage in, and would continue to be able to engage in, securities lending on an uncleared basis outside of OCC.[19]

OCC proposes to implement the prohibition on Clearing Members lending their own securities only on a going-forward basis. The proposal would not affect stock lending activity cleared by OCC before the implementation of the prohibition. Existing stock loan transaction would, however, be subject to the SWWR Add-on described above.

83735 (Jul. 27, 2018), 83 FR 37855 (Aug. 2, 2018) (SR–OCC–2018–008). OCC's rules also authorize adjustments to OCC's monthly Clearing Fund sizing process based on the results of stress scenarios used to test the sufficiency of OCC's financial resources. OCC believes, however, that SWWR is more appropriately charged to the Clearing Member presenting the risk. *See* Notice of Filing, 84 FR at 61118. Based on that belief, OCC proposes to revise the CFM Policy such that the results of the SWWR Sufficiency Scenarios would not be used to adjust OCC's monthly Clearing Fund sizing.

[16] *See* Notice of Filing, 84 FR at 61117.

[17] OCC operates programs for clearing stock loan transactions initiated either bilaterally between market participants or through anonymous matching by a Loan Market. *See* Notice of Filing, 84 FR at 61115–16.

[18] *See* Notice of Filing, 84 FR at 61116.

[19] The proposed restrictions on lending activity cleared by OCC would not prevent Clearing Members from lending equities or ETNs issued by the Clearing Member or any affiliate outside of OCC.

III. Commission Findings and Notice of No Objection

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, the stated purpose of the Clearing Supervision Act is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities (''SIFMUs'') and strengthening the liquidity of SIFMUs.[20]

Section 805(a)(2) of the Clearing Supervision Act [21] authorizes the Commission to prescribe regulations containing risk-management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act [22] provides the following objectives and principles for the Commission's risk-management standards prescribed under Section 805(a):

- To promote robust risk management;
- to promote safety and soundness;
- to reduce systemic risks; and
- to support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk-management standards may address such areas as risk-management and default policies and procedures, among other areas.[23]

The Commission has adopted risk-management standards under Section 805(a)(2) of the Clearing Supervision Act and Section 17A of the Exchange Act (the ''Clearing Agency Rules'').[24] The Clearing Agency Rules require, among other things, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for its operations and risk-management practices on an ongoing basis.[25] As such, it is appropriate for the Commission to review advance notices against the Clearing Agency Rules and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act. As discussed below, the Commission believes the changes proposed in the Advance Notice are consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[26] and in the Clearing Agency Rules, in particular Rules 17Ad–22(e)(4) and (6).[27]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the proposal contained in OCC's Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act. Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management in the area of credit risk, promoting safety and soundness, reducing systemic risks, and supporting the stability of the broader financial system.[28]

First, the Commission believes that the adoption of the SWWR Add-on would be consistent with the promotion of robust risk management at OCC. To the extent that the value of a Clearing Member's positions is positively correlated with the creditworthiness of the Clearing Member, OCC faces SWWR. OCC's current margin methodology does not incorporate a specific component designed to address SWWR for cleared positions. As described above, the proposed SWWR Add-on would address SWWR arising out of equities and ETNs issued by the relevant Clearing Member or its affiliates underlying a Clearing Member's cleared positions. Further, the SWWR Add-on would be designed to avoid any unintended reduction in margin requirements resulting from ''right-way risk'' in a Clearing Member's accounts.[29] Adopting an add-on charge to address a risk not captured elsewhere in OCC's margin methodology would provide for more comprehensive management of OCC's risks, consistent with the promotion of robust risk management.

Second, the Commission believes that introduction of the SWWR Sufficiency Scenarios would be consistent with the

[20] *See* 12 U.S.C. 5461(b).

[21] 12 U.S.C. 5464(a)(2).

[22] 12 U.S.C. 5464(b).

[23] 12 U.S.C. 5464(c).

[24] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (Nov. 2, 2012) (S7–08–11). *See also* Covered Clearing Agency Standards, 81 FR 70786. The Commission established an effective date of December 12, 2016 and a compliance date of April 11, 2017 for the Covered Clearing Agency Standards. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5). The Commission established an effective date of December 12, 2016 and a compliance date of April 11, 2017 for the Covered Clearing Agency Standards. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5).

[25] 17 CFR 240.17Ad–22.

[26] 12 U.S.C. 5464(b).

[27] 17 CFR 240.17Ad–22(e)(4) and 17 CFR 240.17Ad–22(e)(6).

[28] 12 U.S.C. 5464(b).

[29] *See infra* at note 14.

promotion of robust risk management at OCC. The ETN component of the SWWR Add-on would not address the exposures presented by a complete loss of value for ETNs issued by the Clearing Member or its affiliates. To address the potential credit exposure represented by the value of such ETNs going to zero, OCC proposes to introduce the new SWWR Sufficiency Scenarios described above. OCC would use the SWWR Sufficiency Scenarios to test its total financial resources. Introducing new scenarios to test the sufficiency of OCC's financial resources generally and to address assumptions underlying OCC's margin methodology more specifically (*i.e.,* a non-zero ETN recovery rate), would be consistent with the promotion of robust risk management.

Third, the Commission believes that the collection of resources to address the exposures discussed above and the proposed prohibition of certain stock lending activity as described above would be consistent with the promotion of safety and soundness at OCC. The collection of additional financial resources, whether in margin or Clearing Fund contributions, would better enable OCC to manage the potential losses arising out of a Clearing Member default. Prohibiting certain stock loan activity that could generate losses in the event of a Clearing Member default would avoid those potential losses all together. Avoiding or holding resources to address such losses would promote OCC's safety and soundness.

Finally, the Commission believes that the proposal is generally consistent with reducing systemic risk and supporting the broader financial system. As discussed above, OCC proposes to identify and manage SWWR posed by the cleared positions of its Clearing Members. OCC proposes to collect resources to address such risks as margin and, for more extreme scenarios, as Clearing Fund contributions. Additionally, OCC would prohibit stock loan transactions that give rise to SWWR. Prohibiting such activity and collecting additional margin to collateralize exposures created by permitted activity could reduce the probability that OCC would mutualize a loss arising out of the close-out of a defaulted Clearing Member that generated SWWR. While unavoidable under certain circumstances, reducing the probability of loss mutualization during periods of market stress could reduce the transmission of financial risks arising from a Clearing Member default to non-defaulting Clearing Members, their customers, and the broader options market. Further, OCC maintaining additional Clearing Fund contributions would further reduce the potentiality that OCC would need to call for additional resources from Clearing Members in times of market stress. The Commission believes, therefore, that the proposed changes would be consistent with the reduction of systemic risk and supporting the stability of the broader financial system.

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Section 805(b) of the Clearing Supervision Act.[30]

B. Consistency With Rule 17Ad–22(e)(4) Under the Exchange Act

Rule 17Ad–22(e)(4) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes.[31]

As described above, OCC proposes to prohibit each Clearing Member submitting for clearing any stock loan activity involving the lending of equity securities or ETNs issued by such a Clearing Member or its affiliates going forward. Under the proposal, OCC would identify those stock loan transactions presenting SWWR and avoid any potential exposures arising out of such transactions through the proposed prohibition. Further, for those transactions that would not be affected by the prohibition (*i.e.,* existing transactions), OCC proposes to measure, monitor, and manage its exposures through the use of the SWWR Add-on described above and discussed below. Accordingly, the Commission believes that OCC's proposal in the Advance Notice to prohibit certain stock loan transactions is consistent with Rule 17Ad–22(e)(4) under the Exchange Act.[32]

Rules 17Ad–22(e)(4)(i) and (iii) under the Exchange Act require that a covered clearing agency's policies and procedures meet the requirements of Rule 17Ad–22(e)(4) by maintaining financial resources at the minimum to enable OCC to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for OCC in extreme but plausible market conditions.[33] Further, Rule 17Ad–22(e)(4)(vi) under the Exchange Act requires that a covered clearing agency's policies and procedures meet the requirements of Rule 17Ad–22(e)(4) by testing the sufficiency of a covered clearing agency's total financial resources available to meet the minimum financial resource requirements under Rules 17Ad–22(e)(4)(i) through (iii).[34]

As described above and discussed below, the proposed SWWR Add-on is designed to measure and manage OCC's credit exposures to Clearing Members to the extent those exposures arise out of SWWR related to cleared positions. One component of the SWWR Add-on—the SWWR ETN Charge—would not, however, fully cover OCC's potential exposure through margin because it would not assume a complete loss of value for ETNs issued by the Clearing Member or its affiliates. To address the potential credit exposure represented by the value of ETNs issued by the Clearing Member or its affiliates going to zero, OCC proposes to introduce the new SWWR Sufficiency Scenarios described above. OCC would use the SWWR Sufficiency Scenarios to test its total financial resources and to call for additional resources as necessary to ensure the resources it holds would be sufficient to enable OCC to cover exposures arising under the relevant stress scenarios. Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Rule 17Ad–22(e)(4)(i), (iii), and (vi) under the Exchange Act.[35]

C. Consistency With Rule 17Ad–22(e)(6) Under the Exchange Act

Rule 17Ad–22(e)(6)(i) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover, if the covered clearing agency provides central counterparty services, its credit exposure to participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[36]

As noted above, OCC faces SWWR to the extent that the value of a Clearing Member's positions is positively

[30] 12 U.S.C. 5464(b).

[31] 17 CFR 240.17Ad–22(e)(4).

[32] 17 CFR 240.17Ad–22(e)(4).

[33] 17 CFR 240.17Ad–22(e)(4)(i) and 17 CFR 240.17Ad–22(e)(4)(iii).

[34] 17 CFR 240.17Ad–22(e)(4)(vi).

[35] 17 CFR 240.17Ad–22(e)(4)(i); 17 CFR 240.17Ad–22(e)(4)(iii); 17 CFR 240.17Ad–22(e)(4)(vi).

[36] 17 CFR 240.17Ad–22(e)(6)(i).

correlated with the creditworthiness of the Clearing Member. OCC proposes to cover its exposure to such SWWR posted by its Clearing Members through the introduction of the SWWR Add-on. The SWWR Add-on consists of three components. Two of those components—the SWWR Equity Charge and SWWR ETN Charge—are designed to produce margin levels commensurate with the particular attributes of certain products that OCC clears in terms of the likely recovery available in the event of a default by the issuing Clearing Member. Further, the SWWR Residual would ensure that the introduction of the SWWR Add-on could not inadvertently weaken OCC's current margin methodology due to the potential existence of ''right-way risk'' in a Clearing Member's accounts.[37] Accordingly, and for the reasons stated above, the Commission believes the adoption of a margin add-on charge designed to cover exposures arising out of SWWR is consistent with Rule 17Ad–22(e)(6)(i) under the Exchange Act.[38]

IV. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act, that the Commission *does not object* to Advance Notice (SR–OCC–2019–807) and that OCC is *authorized* to implement the proposed change as of the date of this notice or the date of an order by the Commission approving proposed rule change SR–OCC–2019–010 whichever is later.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26727 Filed 12–11–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87682; File No. SR–CBOE–2019–110]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 5.31, Opening Auction Process

December 9, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 2, 2019, Cboe Exchange, Inc. (''Cboe Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.31.

(additions are in *italics;* deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 5.31. Opening Auction Process

(a)–(c) No change.

(d) *Opening Rotation Triggers.* Upon the occurrence of one of the following triggers for a class, the System initiates the opening rotation for the series in that class, and the Exchange disseminates a message to market participants indicating the initiation of the opening rotation.

(1) *Regular Trading Hours. The System initiates the opening rotation (A)* [A]*a*fter a time period (which the Exchange determines for all classes) following the System's observation after 9:30 a.m. of the first disseminated ([A]*i*) transaction on the primary market in the security underlying an equity option or ([B]*ii*) index value for the index underlying an index option *(except for VIX Index options)*[, the System initiates the opening rotation] *or (B) at 9:30 a.m. for VIX Index options.*

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Prior to the Exchange's technology migration, which occurred on October 7, 2019, the Exchange's System initiated the opening rotation procedure for index options either at a specified time or at the time the Exchange received a disseminated index value (determined on a class-by-class basis).[3] The Exchange determined that options on the Cboe Volatility Index (the ''VIX Index'') would be one of the classes to open at a specified time rather than after it received the first disseminated VIX Index value. The Exchange proposes to revert to opening VIX options at a specified time. Specifically, the Exchange proposes to amend Rule 5.31(d)(1) to provide that the System will initiate the opening rotation for VIX options at 9:30 a.m. Eastern time, rather than after the System's observation after 9:30 a.m. Eastern time of the first disseminated value of the VIX Index.[4]

The System generally does not receive the first disseminated value of the VIX Index until approximately 9:31 a.m., which means the System cannot initiate the opening rotation procedure for VIX options until after that time. This delay prevents investors from being able to effect trades in VIX options while trading in other products, which may prevent investors from being able to engage in their standard trading, hedging, and volatility risk management activities during that time.

The value of the VIX Index is calculated using the bid and ask quotes of SPX options listed on the Exchange. Pursuant to Rule 5.31(d)(1), the System will initiate the opening rotation procedure for SPX options following the receipt of the first disseminated SPX value after 9:30 a.m., which as noted above, generally occurs at 9:30:01. Therefore, the opening rotation for SPX options will generally begin a few seconds after 9:30 a.m. The VIX Index value cannot be calculated, and thus disseminated, until the SPX option

[37] *See infra* at note 14.

[38] 17 CFR 240.17Ad–22(e)(6)(i).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 86879 (September 5, 2019), 84 FR 47984 (September 11, 2019) (SR–CBOE–2019–034) (which proposed rule filing amended and relocated the Exchange's rule regarding the opening process, included former Rule 6.2(b)(i)(A)(2), which stated that with respect to index options, at 8:30 a.m. Central time, or at the later of 8:30 a.m. Central time and the time the Exchange receives a disseminated index value for classes determined by the Exchange, the System initiated the opening rotation procedure for regular trading hours).

[4] The proposed rule change also makes nonsubstantive changes to the structure of Rule 5.31(d)(1).

series used to calculate the value are all open for trading. Once that occurs, and the VIX Index value is disseminated, the Exchange can then initiate the opening rotation for VIX Index options. As a result, VIX Index options are not eligible to open for trading for a longer amount of time than other index options. The Exchange understands that market participants generally do not use the spot value of the VIX Index for pricing VIX options but rather use the pricing of VIX Index futures (''VX futures'') that trade on the Cboe Futures Exchange (''CFE''), which are trading at 9:30 a.m. Thus, the Exchange does not believe it is necessary to delay the opening of trading of VIX Index options until the Exchange receives a disseminated value of the VIX Index.[5]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and protect investors, because it will permit VIX Index options to open, and thus permit market participants to begin trading these options, at an earlier time. The Exchange believes opening VIX Index options earlier will permit investors to begin effecting trades in these options at a similar time as they may begin effecting trades in other options. Investors will therefore be able to use VIX Index options as part of their trading, hedging, and portfolio risk management activities during that time, which ultimately benefits investors. The Exchange notes the opening rotation for VIX Index options during the Global Trading Hours session begins at a specified time, rather than after dissemination of the VIX Index value.[9] Additionally, the rules of another options exchange permit index options to open at 9:30 a.m., rather than wait for the dissemination of the underlying index value.[10]

The proposed rule change does not modify the opening auction process, but rather makes it possible for it to begin in a timelier manner for one option class. Therefore, the Exchange believes its opening process will continue to contribute to a fair and orderly opening of VIX options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition, because the proposed rule change will apply in the same manner to all Users. Trading in VIX Index options will open and be available to all Users at the same time; the proposed rule change merely makes it possible for trading in these options to open earlier. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition, because the rules of another options exchange permit index options to open at 9:30 a.m., rather than wait to open until the exchange receives the first disseminated value of the underlying index value.[11] The Exchange notes the opening rotation for VIX Index options during the Global Trading Hours session begins at a specified time, rather than after dissemination of the VIX Index value.[12]

The proposed rule change relates solely to the time at which trading in VIX Index options (which are a proprietary product that only trades on the Exchange) may begin. To the extent that the proposed changes make the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange states that it believes the proposed rule change will protect investors by permitting investors to begin trading VIX Index options at a similar time at which they may begin to trade other options, thus allowing investors to use VIX Index options as part of their trading, hedging, and portfolio risk management activities. The Exchange also represents that the proposed rule

[5] The Exchange notes the opening rotation for VIX Index options during the Global Trading Hours session begins at a specified time, rather than after dissemination of the VIX Index value. *See* Rule 5.31(d)(2).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] *See* Rule 5.31(d)(2).

[10] *See* BOX Exchange LLC (''BOX'') Rule 6080(b).

[11] *Id.*

[12] *See* Rule 5.31(d)(2).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

change does not modify the opening auction process, but rather makes it possible for this process to begin in a timelier manner for one option class. Therefore, the Exchange believes its opening process will continue to contribute to a fair and orderly opening of VIX options. The Exchange further notes that initiating the opening process for an index option at a specified time, rather than following dissemination of the first value of the underlying index, is not novel or unique. The Exchange represents that prior to October 7, 2019, VIX Index options opened at a specified time, rather than after dissemination of the VIX Index value. The opening rotation for VIX Index options during the Global Trading Hours session also begins at a specified time, rather than after dissemination of the VIX Index value.[19] Additionally, the Exchange notes that the rules of another options exchange permit index options to open at 9:30 a.m., rather than waiting for the dissemination of the underlying index value.[20] For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–110 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–110. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–110, and should be submitted on or before January 2, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–26810 Filed 12–11–19; 8:45 am]

BILLING CODE 8011–01–P

[19] *See* Cboe Options Rule 5.31(d)(2).

[20] *See* BOX Rule 6080(b).

[21] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Tuesday, December 17, 2019.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

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.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings;
Resolution of litigation claims; and
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: December 10, 2019.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2019–26955 Filed 12–10–19; 4:15 pm]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2019–0047]

Rate for Assessment on Direct Payment of Fees to Representatives in 2020

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

SUMMARY: We are announcing that the assessment percentage rate under the

Social Security Act (Act) is 6.3 percent for 2020.

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Blair, Associate General Counsel for Program Law, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401. Phone: (410) 965–3157, email *Jeff.Blair@ssa.gov.*

SUPPLEMENTARY INFORMATION: A claimant may appoint a qualified individual as a representative to act on his or her behalf in matters before the Social Security Administration (SSA). If the claimant is entitled to past-due benefits and was represented either by an attorney or by a non-attorney representative who has met certain prerequisites, we withhold up to 25 percent of the past-due benefits and use that money to pay the representative's approved fee directly to the representative.

When we pay the representative's fee directly to the representative, we must collect from that fee payment an assessment to recover the costs we incur in determining and paying representatives' fees. The Act provides that the assessment we collect will be the lesser of two amounts: A specified dollar limit; or the amount determined by multiplying the fee we are paying by the assessment percentage rate.[1]

The Act initially set the dollar limit at $75 in 2004 and provides that the limit will be adjusted annually based on changes in the cost-of-living.[2] The maximum dollar limit for the assessment currently is $97, as we announced in the **Federal Register** on October 22, 2019 (84 FR 56515).

The Act requires us each year to set the assessment percentage rate at the lesser of 6.3 percent or the percentage rate necessary to achieve full recovery of the costs we incur to determine and pay representatives' fees.[3]

Based on the best available data, we have determined that the current rate of 6.3 percent will continue for 2020. We will continue to review our costs for these services on a yearly basis.

Michelle King,

Deputy Commissioner for Budget, Finance, and Management.

[FR Doc. 2019–26752 Filed 12–11–19; 8:45 am]

BILLING CODE 4191–02–P

[1] 42 U.S.C. 406(d), 406(e), and 1383(d)(2).

[2] 42 U.S.C. 406(d)(2) and 1383(d)(2)(C)(ii)(I).

[3] 42 U.S.C. 406(d)(2)(B)(ii) and 1383(d)(2)(C)(ii)(II).

DEPARTMENT OF STATE

[Public Notice: 10973]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''True to Nature: Open-Air Painting in Europe, 1780–1870'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''True to Nature: Open-Air Painting in Europe, 1780–1870,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, District of Columbia, from on or about February 2, 2020, until on or about May 3, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Paralegal Specialist, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–26750 Filed 12–11–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10975]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Myaamia Ribbonwork'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be exhibited in the exhibition ''Myaamia Ribbonwork'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Miami University Art Museum, in Oxford, Ohio, from on or about January 28, 2020, until on or about June 13, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Paralegal Specialist, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–26772 Filed 12–11–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10974]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Degas at the Opera'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Degas at the Opera,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, District of Columbia, from on or about March 1, 2020, until on or about July 5, 2020, and at possible additional exhibitions or venues yet to

be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Paralegal Specialist, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–26771 Filed 12–11–19; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Extension of Approval: System Diagram Maps

ACTION: Notice and request for comments.

AGENCY: Surface Transportation Board.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection of system diagram maps, described below.

DATES: Comments on this information collection should be submitted by February 10, 2020.

ADDRESSES: Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *PRA@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, System Diagram Maps.'' For further information regarding this collection, contact Pedro Ramirez at (202) 245–0333 or *pedro.ramirez@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: System Diagram Maps (or, in the case of Class III carriers, the alternative narrative description of rail system).

OMB Control Number: 2140–0003.

Form Number: None.

Type of Review: Extension without change.

Respondents: Common carrier freight railroads that are either new or reporting changes in the status of one or more of their rail lines.

Number of Respondents: 1.

Estimated Time per Response: 5 hours.

Frequency of Response: On occasion.

Total Annual Burden Hours: 5 hours.

Total ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified. The information is submitted electronically.

Needs and Uses: Under 49 CFR 1152.10–1152.13, railroads subject to the Board's jurisdiction must keep current system diagram maps on file, or alternatively, in the case of a Class III carrier (a carrier with annual operating revenues of $39,194,876 or less in 2018 dollars), to submit the same information in narrative form. The information sought in this collection identifies all lines in a particular railroad's system, categorized to indicate the likelihood that service on a particular line will be abandoned and/or whether service on a line is currently provided under the financial assistance provisions of 49 U.S.C. 10904. Carriers are obligated to amend these maps as the need to change the category of any particular line arises.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: December 9, 2019.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–26784 Filed 12–11–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Extension of Approval: Arbitration ''Opt-In'' Notices

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection of Arbitration ''Opt-in'' Notices, described below.

DATES: Comments on this information collection should be submitted by February 10, 2020.

ADDRESSES: Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *PRA@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, Arbitration ''Opt-in'' Notice.'' For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0284 or at *michael.higgins@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including

whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Arbitration ''Opt-in'' Notices.

OMB Control Number: 2140–0020.

Form Number: None.

Type of Review: Extension without change.

Respondents: All regulated rail carriers.

Number of Respondents: 2.

Estimated Time per Response: 0.5 hours.

Frequency: Annually.

Total Burden Hours (annually including all respondents): 1.0 hours.

Total ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: Under the Interstate Commerce Act, as amended by the ICC Termination Act of 1995, Public Law No. 104–88, 109 Stat. 803 (1995), the Board is responsible for the economic regulation of common carrier rail transportation. Under 49 CFR 1108.3, rail carriers subject to the Board's jurisdiction may agree to participate in the Board's arbitration program by filing a notice with the Board to ''opt in.'' Once a rail carrier is participating in the Board's arbitration program, it may discontinue its participation only by filing a notice to ''opt out'' with the Board, which would become effective 90 days after its filing.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: December 9, 2019.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–26782 Filed 12–11–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent to Seek Extension of Approval: Rail Depreciation Studies

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection of Rail Depreciation Studies, described below.

DATES: Comments on this information collection should be submitted by February 10, 2020.

ADDRESSES: Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *PRA@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, Rail Depreciation Studies.'' For further information regarding this collection, contact Pedro Ramirez at (202) 245–0333 or *pedro.ramirez@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Rail Depreciation Studies.

OMB Control Number: 2140–0028.

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: 7.

Estimated Time per Response: Approximately 250 hours per study (estimating that studies will require between 125 hours and 375 hours depending on the extent to which the carrier provides assistance to outside consultants performing the study for them).

Frequency of Response: Bi-annual. (Under 49 CFR part 1201, §§ 4–1 to 4–4, the Board requires all Class I (large) carriers to submit depreciation studies no less than every three years for equipment property and every six years for road property. That means that for any given six-year period, the Class I railroads must submit no less than three depreciation reports, or the equivalent of 0.5 depreciation reports per year.)

Total Annual Hour Burden: 875 hours (250 hours × 0.5 studies/year × 7 Class I railroads).

Total Annual ''Non-Hour Burden'' Cost: Approximately $175,000 per year. Board staff estimates that each study will cost between $20,000 and $80,000, which equals a cost of approximately $10,000-$40,000 per year. Using an average cost ($25,000 per year × 7 Class I railroads), the non-hour burden cost is estimated to be approximately $175,000 per year.

Needs and Uses: Under 49 CFR part 1201, §§ 4–1 to 4–4, the Board is required to identify those classes of property for which rail carriers may include depreciation charges under operating expenses, and the Board must also prescribe a rate of depreciation that may be charged to those classes of property. Under 49 U.S.C. 11145, Class I rail carriers are required to submit Depreciation Studies to the Board. Information in these studies is not available from any other source. The Board uses the information in these studies to prescribe depreciation rates. These depreciation rate prescriptions state the period for which the depreciation rates therein are applicable. Class I railroads apply the prescribed depreciation rates to their investment base to determine monthly and annual depreciation expense. This expense is included in the railroads' operating expenses, which are reported in their R–1 reports (OMB Control Number 2140–0009). Operating expenses are used to develop operating costs for application in various proceedings before the Board, such as in rate reasonableness cases and in the determination of railroad ''revenue adequacy.''

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are

required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Information from certain schedules contained in these reports is available at the Board's website at *WWW.STB.GOV* by navigating to ''Reports & Data'' and clicking on ''Economic Data.'' Information in these reports is not available from any other source.

Dated: December 9, 2019.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–26783 Filed 12–11–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36275]

Middletown & New Jersey Railroad, L.L.C.—Lease and Operation Exemption Containing Interchange Commitment—Norfolk Southern Railway Company

Middletown & New Jersey Railroad, L.L.C. (M&NJ), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to lease and operate approximately 36.15 miles of rail line from Norfolk Southern Railway Company (NSR) in New York (collectively, the Lines). The Lines consist of the continued lease of the following rail lines from NSR: (1) The Hudson Secondary located between milepost LX 2.1 and milepost LX 20.6 (18.5 miles in length); (2) the Walden Secondary located between mileposts DJ 5.0 through DJ 10.5 and milepost WI 29.1 through WI 32.9 (9.3 miles in length); (3) the Maybrook Industrial Track located between milepost RT 1.3 and milepost RT 7.5 (6.2 miles in length); (4) the Greycourt Industrial Track located between milepost IL 52.5 and milepost IL 53.4 (1.0 mile in length); and (5) the EL Connection Track located between milepost QK 0.0 and milepost QK 0.8 (0.8 miles in length). The Lines also consist of the continued sublease to M&NJ of NSR's lease operations over the connecting track owned by the New York, Susquehanna & Western Railway (NYS&W) located between milepost JS 63.14 and milepost LX 2.1 (approximately 0.35 miles in length), at Hudson Junction, N.Y. In conjunction with leasing (or subleasing) the Lines to M&NJ, NSR also: (1) Granted M&NJ incidental overhead trackage rights over NSR's rail line located between milepost JS 67.50 and milepost JS 63.14 (4.36 miles in length); and (2) partially assigned to M&NJ all of NSR's rights under the NYS&W Trackage Rights Agreement for NYS&W's continued trackage rights operations over the Hudson Secondary track between Hudson Junction and Warwick, N.Y.

M&NJ entered into a lease agreement with NSR in 2010. *See Middletown & N.J. R.R.—Lease & Operation Exemption—Norfolk S. Ry.,* FD 35412, slip op. at 1–2 (STB served Sept. 16, 2010). The verified notice states that M&NJ recently entered into an amended lease agreement with NSR (Amended Agreement) that, among other things, extended the term of the lease to December 31, 2028.

M&NJ certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier and will not exceed $5 million. As required under 49 CFR 1150.43(h)(1), M&NJ has disclosed in its verified notice that the Amended Agreement contains an interchange commitment.[1] M&NJ has provided additional information regarding the interchange commitment as required by 49 CFR 1150.33(h).

The transaction may be consummated on or after December 26, 2019, the effective date of the exemption (30 days after the verified notice of exemption was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than December 19, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36275, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on M&NJ's representative, Karl Morell, Karl Morell & Associates, 440 1st Street NW, Suite 440, Washington, DC 20001.

According to M&NJ, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

[1] A copy of the Amended Agreement with the interchange commitment was submitted under seal. *See* 49 CFR 1150.33(h)(1).

Board decisions and notices are available at *www.stb.gov.*

Decided: December 9, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Eden Besera,

Clearance Clerk.

[FR Doc. 2019–26768 Filed 12–11–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Extension of Approval: Information Collection Activities—Recordations (Rail and Water Carrier Liens), Water Carrier Tariffs, and Agricultural Contract Summaries

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection required by statute for rail or water carrier equipment liens (recordations), water carrier tariffs, and rail agricultural contract summaries, as described in more detail below.

DATES: Comments on this information collection should be submitted by February 10, 2020.

ADDRESSES: Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *PRA@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, Recordations (Rail and Water Carrier Liens), Water Carrier Tariffs, and Agricultural Contract Summaries.'' For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0284 or *michael.higgins@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the

collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collections

Collection Number 1

Title: Agricultural Contract Summaries.

OMB Control Number: 2140–0024.

Form Number: None.

Type of Review: Extension without change.

Number of Respondents: Approximately 10 (seven Class I [large] railroads and a limited number of other railroads).

Frequency: On occasion. (Over the last three years, respondents have filed an average of 150 agricultural contract summaries per year. The same number of filings is expected during each of the next three years.)

Estimated Time per Response: Approximately 0.25 hours.

Total Burden Hours (annually including all respondents): 37.5 hours (150 submissions × 0.25 hours estimated per submission).

Total Annual ''Non-hour Burden'' Cost (such as start-up and mailing costs): There are no non-hourly burden costs for this collection. The collection is filed electronically.

Needs and Uses: Under 49 U.S.C. 10709(d), railroads are required to file a summary of the nonconfidential terms of any contract for the transportation of agricultural products.

Collection Number 2

Title: Recordations (Rail and Water Carrier Liens).

OMB Control Number: 2140–0025.

Form Number: None.

Type of Review: Extension without change.

Respondents: Parties holding liens on rail equipment or water carrier vessels, and carriers filing proof that a lien has been removed.

Number of Respondents: Approximately 50 respondents.

Frequency: On occasion. (Over the last three years, respondents have filed an average of 1,750 responses per year. The same number of filings is expected during each of the next three years.)

Estimated Time per Response: Approximately 0.25 hours.

Total Burden Hours (annually including all respondents): 437.5 hours (1,750 submissions × 0.25 hours estimated per response).

Total ''Non-hour Burden'' Cost (such as start-up and mailing costs): There are no non-hourly burden costs for this collection. The collection may be filed electronically.

Needs and Uses: Under 49 U.S.C. 11301 and 49 CFR part 1177, liens on rail equipment or water carrier vessels must be filed with the STB in order to perfect a security interest in the equipment. Subsequent amendments, assignments of rights, or release of obligations under such instruments must also be filed with the agency. This information is maintained by the Board for public inspection. Recordation at the STB obviates the need for recording the liens in individual States.

Collection Number 3

Title: Water Carrier Tariffs.

OMB Control Number: 2140–0026.

Form Number: None.

Type of Review: Extension without change.

Respondents: Water carriers that provide freight transportation in noncontiguous domestic trade.

Number of Respondents: Approximately 20.

Frequency: Annual certification.

Total Burden Hours (annually including all respondents): 80 hours (20 annual filings × 4 hours estimated time per certification).

Total ''Non-Hour Burden'' Cost (such as start-up costs and mailing costs): There are no non-hourly burden costs for this collection. The annual certifications will be submitted electronically.

Needs and Uses: Under 49 U.S.C. 13702(b) and 49 CFR part 1312, in lieu of individual tariffs, water carriers that provide freight transportation in noncontiguous domestic trade (*i.e.,* shipments moving to or from Alaska, Hawaii, or the U.S. territories or possessions (Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands) to or from the mainland U.S.) may file an annual certification with the Board that includes the internet address of a website containing a list of current and historical tariffs (including prices and fees that the water carrier charges to the shipping public).

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: December 9, 2019.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–26781 Filed 12–11–19; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2019–0003]

Review of Action: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: The U.S. Trade Representative is reviewing the action being taken in the Section 301 investigation involving the enforcement of U.S. WTO rights in the Large Civil Aircraft dispute. Annex I to this notice contains a list of products currently subject to additional duties. Annex II contains a list of products, originally published in the April 2019 and July 2019 notices in this investigation, under consideration for the imposition of additional *ad valorem* duties of up to 100 percent. The Office of the United States Trade Representative (USTR) requests comments with respect to whether products listed in Annex I should be removed from the list or remain on the list; whether the rate of additional duty on specific products should be increased up to a level of 100 percent; whether additional duties should be imposed on specific products listed in Annex II; and on the rate of additional duty to be applied to products drawn from Annex II.

DATES: To be assured of consideration, submit comments by January 13, 2020.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal Rulemaking Portal: *https://www.regulations.gov,* using docket number USTR–2019–0003. Follow the instructions for submitting comments in ''Requirements for Submissions'' below. To discuss whether alternative arrangements to on-line submissions are possible, please contact the USTR Section 301 line at (202) 395–5725.

FOR FURTHER INFORMATION CONTACT: For questions about the investigation, contact Assistant General Counsel

Megan Grimball at (202) 395–5725, or Director for Europe Michael Rogers at (202) 395–3320. For questions on customs classification of products identified in the annexes to this notice, contact *Traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

For background on the proceedings in this investigation, please see the prior notices issued in the investigation: 84 FR 15028 (April 12, 2019), 84 FR 32248 (July 5, 2019), 84 FR 54245 (October 9, 2019), and 84 FR 55998 (October 18, 2019).

B. Review of the Action in the Investigation

The U.S. Trade Representative is reviewing the action being taken in the investigation. USTR invites public comments with respect to the maintenance or imposition of additional duties on the specific products of specific EU member states indicated on the lists in the Annexes to this notice. Annex I lists the specific products of specific EU member states that currently are subject to additional duties of 10 or 25 percent. *See* 84 FR 54245 and 84 FR 55998. Annex II lists products of EU member states for which additional duties of up to 100 percent previously had been proposed, but for which no additional duties have yet been imposed in this investigation. *See* 84 FR 15028 and 84 FR 32248.

With respect to products listed in Annex I, USTR invites interested persons to comment on whether specific products of specific EU member states should be removed from the list or should remain on the list, and if a product remains on the list, whether the current rate of additional duty should be increased to as high as 100 percent.

With respect to products listed in Annex II, USTR invites interested persons to comment on whether specific products of specific EU member states should be included on a revised list of products subject to additional duties, and the rate of additional duty (as high as 100 percent) that should be imposed.

USTR invites interested persons to address:

(i) Whether maintaining or imposing additional duties on a specific product of one or more specific EU member states would be appropriate to enforce U.S. WTO rights or to obtain the elimination of the EU's WTO-inconsistent measures, and/or would be likely to result in the EU implementing the DSB recommendations in the Large Civil Aircraft dispute or in achieving a mutually satisfactory solution.

(ii) Whether maintaining or imposing additional duties on specific products of one or more specific EU member states would cause disproportionate economic harm to U.S. interests, including small or medium-size businesses and consumers.

C. Requirements for Submissions

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2019–0003 on the home page and click ''search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''how to use regulations.gov'' on the bottom of the *www.regulations.gov* home page. USTR will not accept hand-delivered submissions.

The *www.regulations.gov* website allows users to submit comments by filling in a ''type comment'' field or by attaching a document using an ''upload file'' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR strongly prefers submissions in Adobe Acrobat (.pdf). If you use an application other than Adobe Acrobat or Word (.doc), please indicate the name of the application in the ''type comment'' field.

File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

Do not submit comments containing business confidential information (BCI) via www.regulations.gov. Instead, email any comments containing BCI to *301aircraft@ustr.eop.gov.* The file name of the business confidential version should begin with the characters 'BC'. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BC'. Any page containing BCI must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing BCI also must submit a public version of their comments. The file name of the public version should begin with the character 'P'. The 'BC' and 'P' should be followed by the name of the person or entity submitting the comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact the USTR Section 301 line at (202) 395–5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except BCI. You can view submissions on the *https://www.regulations.gov* website by entering docket number USTR–2019–0003 in the search field on the home page.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

Annex I

Products Currently Subject to Additional Duties in the Investigation

Note: The product descriptions that are contained this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action, except as specified below. In all cases, the formal language in the notices published at 84 FR 54245 and 84 FR 55998 governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

Part 1—Products of France, Germany, Spain, or the United Kingdom described below are subject to additional import duties of 10 percent ad valorem:

Note: For purposes of the 8-digit subheading of HTS listed below, the product description defines and limits the scope of the proposed action.

HTS subheading	Product description
8802.40.00**	New airplanes and other new aircraft, as defined in U.S. note 21(b), (other than military airplanes or other military aircraft), of an unladen weight exceeding 30,000 kg (described in statistical reporting numbers 8802.40.0040, 8802.40.0060 or 8802.40.0070).

** Only a portion of HS8 digit is to be covered

Part 2—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0403.10.50	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, not subject to gen nte 15 or add. US nte 10 to Ch.4.
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments.
0403.90.90	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subject to add US note 10 to Ch.4.
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14.
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 US note 18, not GN15.
0406.10.54	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, subj to Ch4 US nte 21, not GN15.
0406.10.58	Fresh (unrip./uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 US note 21 or GN15.
0406.10.68	Fresh (unripened/uncured) Swiss/emmentaler cheeses exc eye formation, gruyere-process cheese and cheese cont or proc. from such, not subj.
0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to add US note 21 to Ch.4.
0406.20.53	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, not subj to Ch4 US nte 21 or GN15.
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to add US note 19 to Ch. 4.
0406.20.77	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, subject to add US note 21 to Ch. 4.
0406.20.79	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, not subject to add US note 21 to Ch. 4.
0406.20.87	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, not subject to add US note 23 to Ch. 4.
0406.20.91	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk, grated or powdered, not subject to add US note 16 to Ch. 4.
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to add US note 24 to Ch. 4.
0406.30.18	Blue-veined cheese (except roquefort), processed, not grated or powdered, not subject to gen. note 15 or add. US note 17 to Ch. 4.
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15 or in add US note 18 to Ch. 4.
0406.30.34	Colby cheese, processed, not grated or powdered, subject to add US note 19 to Ch. 4.
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or add US note 19 to Ch. 4.
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered.
0406.30.69	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, subject to add US note 19 to Ch. 4, not GN15.
0406.30.79	Processed cheese cont/procd from italian-type, not grated/powdered, not subject to add US note 21 to Ch. 4, not GN15.
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to add. US note 24 to Ch. 4.
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to add. US note 24 to Ch. 4.
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4.
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15.
0406.90.52	Colby cheese, nesoi, subject to add. US note 19 to Ch. 4 and entered pursuant to its provisions.
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. US note 19 to Ch. 4.
0406.90.68	Cheeses & subst. for cheese(incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc, f/cow milk, not subj. Ch4 US note 21, not GN15.
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from blue-veined cheese, subj. to add. US note 17 to Ch.4, not GN15.
0406.90.74	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from blue-veined cheese, not subj. to add. US note 17 to Ch.4, not GN15.
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from Am. cheese except cheddar, subj. to add. US note 19 to Ch.4, not GN15.
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, not subj. Ch4 US note 22, not GN15.
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, not subject to add. US note 23 to Ch. 4, not GN15.
0805.10.00	Oranges, fresh or dried.
0805.21.00	Mandarins and other similar citrus hybrids including tangerines, satsumas, clementines, wilkings, fresh or dried.
0805.22.00	Clementines, fresh or dried, other.
0805.50.20	Lemons, fresh or dried.
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption.

HTS subheading	Product description
0813.40.30	Cherries, dried.
1602.49.10	Prepared or preserved pork offal, including mixtures.
1605.53.05	Mussels, containing fish meats or in prepared meals.
1605.56.05	Products of clams, cockles, and arkshells containing fish meat; prepared meals.
1605.56.10	Razor clams, in airtight containers, prepared or preserved, nesoi.
1605.56.15	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight.
1605.56.20	Clams, prepared or preserved, excluding boiled clams, in immediate airtight containers, nesoi.
1605.56.30	Clams, prepared or preserved, other than in airtight containers.
1605.56.60	Cockles and arkshells, prepared or preserved.
1605.59.05	Products of molluscs nesoi containing fish meat; prepared meals of molluscs nesoi.
1605.59.60	Molluscs nesoi, prepared or preserved.

Part 3—Products of Germany, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0203.29.40	Frozen meat of swine, other than retail cuts, nesoi.
0404.10.05	Whey protein concentrates.
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, descr in add US note 16 to Ch 4, not GN15.
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, not descr in add US note 16 to Ch 4, not GN 15.
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cows milk, neosi, o/0.5% by wt. of butterfat.
0406.90.16	Edam and gouda cheese, nesoi, subject to add. US note 20 to Ch. 4.
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating.
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg.
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg.
2005.70.12	Olives, green, not pitted, in saline, not ripe.
2005.70.25	Olives, green, in a saline solution, pitted or stuffed, not place packed.

Part 4—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa.
0405.10.10	Butter subject to quota pursuant to chapter 4 additional US note 6.
0405.10.20	Butter not subject to general note 15 and in excess of quota in chapter 4 additional U.S. note 6.
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add US note 16 to Ch. 4, not GN15.
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat o/0.5% by wt, not GN15.
0811.90.80	Fruit, nesoi, frozen, whether or not previously steamed or boiled.
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products.
2008.60.00	Cherries, otherwise prepared or preserved, nesoi.
2008.70.20	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included.
2008.97.90	Mixtures of fruit or other edible parts of plants, otherwise prepared or preserved, nesoi (excluding tropical fruit salad).
2009.89.65	Cherry juice, concentrated or not concentrated.
2009.89.80	Juice of any single vegetable, other than tomato, concentrated or not concentrated.

Part 5—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0405.20.30	Butter substitute dairy spreads, over 45% butterfat weight, not subj to gen note 15 and in excess of quota in Ch. 4 additional U.S. note 14.
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional U.S. note 1.
0406.30.85	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch. 4 U.S. note 23, not GN15.
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, not subj. to add. U.S. note 18 to Ch. 4, not GN15.
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi.

HTS subheading	Product description
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers.
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers.
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi.
1602.49.90	Prepared or preserved pork, nesoi.

Part 6—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional U.S. note 14.
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to add. U.S. note 22 to Ch. 4.
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. U.S. note 22 to Ch. 4.
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. U.S. note 17 to Ch. 4.
0406.90.08	Cheddar cheese, neosi, subject to add U.S. note 18 to Ch. 4.
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to add. U.S. note 18 to Ch. 4.
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. U.S. note 21 to Ch. 4.
0406.90.42	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to GN 15 or Ch. 4 U.S. note 21.
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to add. U.S. note 25 to Ch. 4.
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, subj. to add. U.S. note 22 to Ch.4, not GN15.
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, not subject to Ch. 4 U.S. note 16, not GN15.
1605.53.60	Mussels, prepared or preserved.
2007.99.70	Currant and berry fruit jellies.
2008.40.00	Pears, otherwise prepared or preserved, nesoi.
2009.89.20	Pear juice, concentrated or not concentrated.
2009.89.40	Prune juice, concentrated or not concentrated.

Part 7—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. U.S. note 25 to Ch. 4.

Part 8—Products of Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating.

Part 9—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, subject to Ch. 4 U.S. note 16 (quota).

Part 10—Products of France, Germany, Spain or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, subject to add U.S. note 5 to Ch. 7.

HTS subheading	Product description
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, not subject to add U.S. note 5 to Ch. 7.
0711.20.38	Olives, n/pitted, nesoi.
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption.
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add U.S. note 4 to Ch. 20.
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr.
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less.
2204.21.50	Wine other than Tokay (not carbonated), not over 14% alcohol, in containers not over 2 liters.

Part 11—Products of Germany described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0901.21.00	Coffee, roasted, not decaffeinated.
0901.22.00	Coffee, roasted, decaffeinated.
2101.11.21	Instant coffee, not flavored.
8201.40.60	Axes, bill hooks and similar hewing tools (o/than machetes), and base metal parts thereof.
8203.20.20	Base metal tweezers.
8203.20.60	Pliers (including cutting pliers but not slip joint pliers), pincers and similar tools.
8203.30.00	Metal cutting shears and similar tools, and base metal parts thereof.
8203.40.60	Pipe cutters, bolt cutters, perforating punches and similar tools, nesoi, and base metal parts thereof.
8205.40.00	Screwdrivers and base metal parts thereof.
8211.93.00	Knives having other than fixed blades.
8211.94.50	Base metal blades for knives having other than fixed blades.
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working.
8467.19.50	Tools for working in the hand, pneumatic, other than rotary type, other than suitable for metal working.
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated.
8468.90.10	Parts of hand-directed or -controlled machinery, apparatus and appliances used for soldering, brazing, welding or tempering.
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food.
9002.11.90	Objective lenses and parts & access. thereof, for cameras, projectors, or photographic enlargers or reducers, except projection, nesoi.

Part 12—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
1602.49.20	Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers.

Part 13—Products of Germany or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
1905.31.00	Sweet biscuits.
1905.32.00	Waffles and wafers.
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded.
4908.10.00	Transfers (decalcomanias), vitrifiable.
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation.
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure.
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines.
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor.

Part 14—Products of Germany, Ireland, Italy, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
2208.70.00	Liqueurs and cordials.

Part 15—Products of the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

Note: For purposes of 2208.30.30, the product description defines and limits the scope of the proposed action.

HTS subheading	Product description
2208.30.30 **	Single-malt Irish and Scotch Whiskies (described in 2208.30.30).
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool.
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere.
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi.
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6202.99.15	Rec perf outwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont < 70% by wt of silk.
6202.99.80	Women's/girls' anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont < 70% by wt of silk.
6203.11.60	Men's or boys' suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less.
6203.11.90	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, nesoi.
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted.
6203.19.90	Men's or boys' suits, of textile mats(except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, not knit or croch.
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton.
6211.12.40	Women's or girls' swimwear, of textile materials(except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted.
6211.12.80	Women's or girls' swimwear, of textile materials(except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted.
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton.
6301.90.00	Blankets and traveling rugs, nesoi.
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped.
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.

** Only a portion of HS8 digit is to be covered.

Annex II

Products Not Currently Subject to Additional Duties in the Investigation

Note: The product descriptions that are contained this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action, except as specified in Sections 1 and 16. Any questions regarding the scope of a particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

Section 1—The products that are described in Section 1 of this Annex are being considered for additional import duties if they are the product of France, Germany, Spain or the United Kingdom.

Note: For purposes of statistical reporting numbers with an asterisks listed below, the informal product descriptions define and limit the scope of the proposed action.

HTS statistical reporting No.	Product description
8802.11.0030	New helicopters, non-military, of an unladen weight not exceeding 998 kg.
8802.11.0045	New helicopters, non-military, of an unladen weight exceeding 998 kg but not exceeding 2,000 kg.
8802.12.0040	New helicopters, non-military, of an unladen weight exceeding 2,000 kg.
8802.40.0040 *	New aircraft, passenger transports, non-military, of an unladen weight exceeding 15,000 kg but less than or equal to 30,000 kg.
8802.40.0060 *	New aircraft, cargo transports, non-military, of an unladen weight exceeding 15,000 kg but less than or equal to 30,000 kg.
8802.40.0070 *	New aircraft, non-military, nesoi (including passenger/cargo combinations), of an unladen weight exceeding 15,000 kg but less than or equal to 30,000 kg.
8803.20.0030 *	Undercarriages and parts thereof for use in new civil aircraft, not for use by the Department of Defense or the U.S. Coast Guard, of an unladen weight exceeding 15,000 kg provided for in statistical reporting numbers 8802.40.0040, 8802.40.0060 and 8802.40.0070.
8803.30.0030 *	Fuselages and fuselage sections, predominantly aluminum wings and wing assemblies, and horizontal and vertical stabilizers for use in new civil airplanes, not for use by the Department of Defense or the U.S. Coast Guard, of an unladen weight exceeding 15,000 kg provided for in statistical reporting numbers 8802.40.0040, 8802.40.0060 and 8802.40.0070.

HTS statistical reporting No.	Product description
8803.90.9030 *	Other parts, nesoi, for use in new civil aircraft, not for use by the Department of Defense or the U.S. Coast Guard, of an unladen weight exceeding 15,000 kg provided for in statistical reporting numbers 8802.40.0040, 8802.40.0060 and 8802.40.0070.

* The products intended to be covered by the proposed action in these statistical reporting numbers are a subsection of the products classified in these statistical reporting numbers.

Section 2—The products that are described in Section 2 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom.

HTS subheading	Product description
0203.22.90	Frozen hams, shoulders and cuts thereof, with bone in, other than retail cuts.
0303.57.00	Swordfish steaks, other swordfish, excluding fillets, other meat portions, livers and roes.
0304.41.00	Salmon fillets, fresh or chilled.
0304.42.00	Trout, fillets, fresh or chilled.
0304.84.00	Frozen swordfish fillets.
0306.14.20	Crabmeat, frozen.
0306.14.40	Crabs, cooked in shell or uncooked (whether in shell or not), dried, salted or in brine, frozen.
0306.19.00	Crustaceans, nesoi (including flours, meals and pellets of crustaceans fit for human consumption), cooked in shell or uncooked, etc., frozen.
0403.90.95	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subj to GN 15 or Ch. 4 U.S. note 10.
0406.10.44	Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, subj to Ch. 4 U.S. note 20, not GN15.
0406.10.48	Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, not sub to Ch. 4 U.S. note 20, not GN15.
0406.20.10	Roquefort cheese, grated or powdered.
0406.30.48	Edam and gouda cheese, processed, not grated or powdered, not subject to gen note 15 or add. U.S. note 20 to Ch. 4.
0406.90.86	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from edam or gouda cheese, subj. to add. U.S. note 20 to Ch. 4, not GN15.
0406.90.88	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from edam or gouda cheese, not subj. to add. U.S. note 20 to Ch. 4, not GN15.
0805.29.00	Wilkings and similar citrus hybrids, fresh or dried, other.
0805.40.80	Grapefruit, fresh or dried, if entered during the period November 1 through the following July 31, inclusive.
0805.50.30	Tahitian lines, Persian limes and other limes of the Citrus latifolia variety, fresh or dried.
0805.50.40	Limes of the Citrus aurantifolia variety, fresh or dried.
0805.90.01	Citrus fruit, not elsewhere specified or included, fresh or dried, including kumquats, citrons and bergamots.
0812.90.10	Mixtures of two or more fruits, provisionally preserved, but unsuitable in that state for consumption.
1509.10.40	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container 18 kg or over.
1509.90.40	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container 18 kg or over.
1602.41.20	Pork hams and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers.
1604.11.40	Prepared or preserved salmon, whole or in pieces, but not minced, other than in oil and in airtight containers.
1604.12.60	Herrings prepared or preserved, whole or in pieces, but not minced, nesoi.
1605.30.10	Lobster, prepared or preserved, not containing fish meat, nesoi.
1605.51.05	Oysters, fish meat or prepared meals.
1605.51.40	Smoked oysters.
1605.51.50	Oysters, prepared or preserved, but not smoked.
1605.52.05	Scallops, including queen scallops as containing fish meat; prepared meals.
1605.52.60	Scallops, including queen scallops, prepared or preserved.
1605.54.05	Cuttle fish and squid, as containing fish meat; prepared meals.
1605.54.60	Cuttle fish and squid, prepared or preserved.
1605.55.05	Octopus, as containing fish meat or prepared meals.
1605.55.60	Octopus, prepared or preserved.
1605.57.05	Products of abalone containing fish meat; prepared meals of abalone.
1605.57.60	Abalone, prepared or preserved.
1605.58.05	Products of snails, other than sea snails, containing fish meat; prepared meals of snails other than sea snails.
1605.58.55	Prepared or preserved snails, other than sea snails.
1902.11.20	Uncooked pasta, not stuffed or otherwise prepared, containing eggs, exclusively pasta.
1902.11.40	Uncooked pasta, not stuffed or otherwise prepared, containing eggs, nesoi, including pasta packaged with sauce preparations.
1902.19.20	Uncooked pasta, not stuffed or otherwise prepared, not containing eggs, exclusively pasta.
1902.19.40	Uncooked pasta, not stuffed or otherwise prepared, not containing eggs, nesoi, including pasta packaged with sauce preparations.
1902.20.00	Stuffed pasta, whether or not cooked or otherwise prepared.
1902.30.00	Pasta nesoi.
2007.99.15	Currant and other berry jams, nesoi.
2007.99.20	Apricot jam.

HTS subheading	Product description
2007.99.25	Cherry jam.
2007.99.30	Guava jam.
2007.99.35	Peach jam.
2007.99.40	Pineapple jam.
2007.99.45	Jams, nesoi.
2007.99.48	Apple, quince and pear pastes and purees, being cooked preparations.
2007.99.50	Guava and mango pastes and purees, being cooked preparations.
2007.99.55	Papaya pastes and purees, being cooked preparations.
2007.99.60	Strawberry pastes and purees, being cooked preparations.
2007.99.65	Fruit pastes and purees, nesoi, and nut pastes and purees, being cooked preparations.
2103.90.80	Mixed condiments and mixed seasonings, not described in add U.S. note 3 to Ch. 21.
2201.90.00	Waters (incl. ice, snow and steam), ot/than mineral waters or aerated waters, not cont. added sugar or other sweetening matter nor flavored.
2202.91.00	Nonalcoholic beer.
2202.99.10	Chocolate milk drink.
2202.99.36	Juice of any single fruit or vegetable (except orange juice) fortified with vitamins or minerals, in nonconcentrated form.
2202.99.37	Fruit or vegetable juices, fortified with vitamins or minerals, mixtures of juices in non-concentrated form.
2204.10.00	Sparkling wine, made from grapes.
2204.21.20	Effervescent grape wine, in containers holding 2 liters or less.
2204.21.30	Tokay wine (not carbonated) not over 14% alcohol, in containers not over 2 liters.
2204.21.60	''Marsala'' wine, over 14% vol. alcohol, in containers holding 2 liters or less.
2204.21.80	Grape wine, other than ''Marsala'', not sparkling or effervescent, over 14% vol. alcohol, in containers holding 2 liters or less.
2204.22.20	Wine of fresh grapes of an alcoholic strength by volume <=14% in containers holding <2 liters but not >10 liters.
2204.22.40	Wine of fresh grapes of an alcoholic strength by volume >14%, in containers holding <2 liters but not >10 liters.
2204.22.60	Wine of fresh grapes of an alcoholic strength by volume <=14% in containers holding >10 liters.
2204.22.80	Wine of fresh grapes of an alcoholic strength by volume >14% in containers holding >10 liters.
2204.29.61	Wine of fresh grapes of an alcoholic strength by volume <=14% in containers holding >10 liters.
2204.29.81	Wine of fresh grapes of an alcoholic strength by volume >14% in containers holding >10 liters.
2204.30.00	Grape must, nesoi, in fermentation or with fermentation arrested otherwise than by addition of alcohol.
2208.20.20	Grape brandy, excluding pisco and singani, in containers not over 4 liters, not over $2.38/liter.
2208.20.30	Grape brandy, excluding pisco and singani, in containers not over 4 liters, valued over $2.38 to $3.43/liter.
2208.20.40	Grape brandy, excluding pisco and singani, in containers not over 4 liters, valued over $3.43/liter.
2208.20.50	Grape brandy, excluding pisco and singani, in containers over 4 liters, not over $2.38/liter.
2208.20.60	Grape brandy, excluding pisco and singani, in containers over 4 liters, over $2.38/liter.
2208.30.60	Whiskies, other than Irish and Scotch whiskies.
2814.10.00	Anhydrous ammonia.
2814.20.00	Ammonia in aqueous solution.
3102.10.00	Urea, whether or not in aqueous solution.
3102.21.00	Ammonium sulfate.
3102.29.00	Double salts and mixtures of ammonium sulfate and ammonium nitrate.
3102.30.00	Ammonium nitrate, whether or not in aqueous solution.
3102.40.00	Mixtures of ammonium nitrate with calcium carbonate or other inorganic nonfertilizing substances.
3102.50.00	Sodium nitrate.
3102.60.00	Double salts and mixtures of calcium nitrate and ammonium nitrate.
3102.80.00	Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution.
3102.90.01	Mineral or chemical fertilizers, nitrogenous, nesoi, including mixtures not specified elsewhere in heading 3102.
3301.12.00	Essential oils of orange.
3301.13.00	Essential oils of lemon.
3301.19.10	Essential oils of grapefruit.
3301.19.51	Essential oils of citrus fruit, other, nesoi.
3301.24.00	Essential oils of peppermint (Mentha piperita).
3301.25.00	Essential oils of mints, other than peppermint.
3301.29.10	Essential oils of eucalyptus.
3301.29.20	Essential oils of orris.
3301.29.51	Essential oils other than those of citrus fruit, other, nesoi.
3301.30.00	Resinoids.
3301.90.10	Extracted oleoresins consisting essentially of nonvolatile components of the natural raw plant.
3301.90.50	Concentrates of essential oils; terpenic by-product of the deterpenation of essential oils; aqueous distillates & solutions of essential oils.
4202.21.90	Handbags, with or without shoulder strap or without handle, with outer surface of leather, composition or patent leather, nesoi, over $20 ea.
4417.00.80	Wooden tools, tool bodies, tool handles, broom or brush bodies and handles nesoi; wooden boot or shoe lasts and trees.
4807.00.92	Composite cloth-lined or reinforced paper, not surface-coated or impregnated, in rolls or sheets.
4809.90.40	Simplex decalcomania paper in rolls over 36 cm wide or in rectangular sheets over 36 cm on side(s).
4810.14.19	Paper and paperboard for graphic use nesoi, coated w/inorganic, n/o 150g/m2, n/o 10% fiber by mechanical/chemi-process, certain size sheets.
5205.31.00	Multiple or cabled cotton yarn, 85% or more cotton by weight, of uncombed fibers, n/o 14 nm per single yarn, not put up for retail sale.
5206.32.00	Multiple or cabled cotton yarn, <85% cotton by weight, of uncombed fibers, over 14 but n/o 43 nm/single yarn, not put up for retail sale.

HTS subheading	Product description
5208.13.00	Unbleached 3- or 4-thread twill fabrics of cotton, incl. cross twill, containing 85% or more of cotton by weight, weighing not over 200 g/m2.
5402.11.30	Single high tenacity yarn of aramids, not put up for retail sale.
5402.11.60	Multiple (folded) or cabled high tenacity yarn (except sewing thread) of aramids, not put up for retail sale.
5402.20.30	Single high tenacity yarn of polyesters, not put up for retail sale.
5503.20.00	Synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters.
5605.00.90	Metalized textile yarn nesoi, of man-made monofilament or strip or the like, other than ungimped or w/twist of <5 turns per meter.
5609.00.10	Articles of yarn, strip, twine, cordage, rope or cables nesoi, of cotton.
5609.00.20	Articles of yarn, strip, twine, cordage, rope or cables nesoi, of vegetable fibers except cotton.
5609.00.30	Articles of yarn, strip, twine, cordage, rope or cables nesoi, of man-made fibers.
5609.00.40	Articles of yarn, strip or the like of man-made monofilaments, twine, cordage, rope or cables, nesoi.
5701.10.16	Carpets & other textile floor coverings, hand-knotted or hand-inserted, w/ov 50% by weight of the pile of fine animal hair, nesoi.
5701.10.40	Carpets and other textile floor coverings, of wool or fine animal hair, hand-hooked (tufts were inserted and knotted by hand or hand tool).
5701.10.90	Carpets and other textile floor coverings, of wool or fine animal hair, not hand-hooked, not hand knotted during weaving.
5702.10.90	''Kelem'', ''Schumacks'', ''Karamanie'' and similar hand-woven rugs, other than certified hand-loomed and folklore products.
5702.41.20	Carpets and other textile floor coverings of pile construction, woven, not tufted or flocked, made up, of wool or fine animal hair, nesoi.
5702.42.10	Wilton, velvet and like floor coverings of pile construction, woven, not tufted or flocked, made up, of man-made textile materials.
5702.92.10	Hand-loomed carpet & other textile floor coverings, not of pile construction, woven, made up, of man-made textile materials, nesoi.
5703.10.20	Hand-hooked carpets and other textile floor coverings, tufted, whether or not made up, of wool or fine animal hair.
5805.00.30	Hand-woven tapestries nesoi and needle-worked tapestries, of cotton.
5805.00.40	Hand-woven tapestries nesoi and needle-worked tapestries, other than of cotton, wool or fine animal hair.
5806.10.24	Narrow woven pile fastener fabric tapes (other than goods of heading 5807) of man-made fibers.
5907.00.05	Laminated fabrics specified in note 9 to sect. XI of HTS, of m-m fiber, for theatrical, ballet, & operatic scenery & properties, incl sets.
5911.10.10	Printers' rubberized blankets of textile fabrics.
6112.20.20	Ski-suits, knitted or crocheted, of textile materials other than man-made fibers.
6802.10.00	Tiles/cubes/similar arts. of natural stone, enclosable in a sq. w/a side less than 7 cm; artificially colored granules, chippings & powder.
6802.91.20	Monumental or building stone & arts. thereof, of travertine, dressed or polished but not further worked, nesoi.
6802.91.25	Monumental or building stone & arts. thereof, of travertine, further worked than dressed or polished, nesoi.
6802.93.00	Monumental or building stone & arts. thereof, of granite, further worked than simply cut/sawn, nesoi.
6802.99.00	Monumental or building stone & arts. thereof, nesoi, further worked than simply cut/sawn, nesoi.
6803.00.50	Worked slate (other than roofing slate) and articles of slate or agglomerated slate.
6810.99.00	Articles of cement (other than tiles, flagstones, bricks and similar arts.), of concrete or artificial stone, nesoi.
6907.21.30	Glazed ceramic tiles having surface area <38.7cm2, surf area in sq w/side <7cm, of H2O absorp coeff by wt <=0.5%.
6912.00.35	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./U.S. note 6(b) n/o $38.
6912.00.39	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./U.S. note 6(b) o/$38.
6912.00.41	Ceramic (o/than porcelain or china) hsehld steins w/pewter lids, decanters, punch bowls, spoons & rests, salt/pepper sets, etc.
6912.00.44	Ceramic (o/than porcelain or china) household mugs and steins w/o attached pewter lids.
6912.00.45	Ceramic (o/than porcelain or china) household tabl/kitch.ware,n/in specif. sets, cups o/$5.25/dz, saucers o/$3/dz, etc.
6912.00.46	Ceramic (o/than porcelain or china) household serviette rings.
6912.00.48	Ceramic (o/than porcelain or china) household tableware and kitchenware, nesoi.
6912.00.50	Ceramic (o/than porcelain or china) household articles and toilet articles (o/than table and kitchenware), nesoi.
6913.90.30	Earthenware ornamental articles, having a reddish-colored body and a lustrous glaze of differing colors.
6913.90.50	Ceramic (o/than porcelain, china or eartherware) ornamental articles, nesoi.
7013.28.10	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued n/over $0.30 each.
7013.41.10	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued n/over $1 each.
7013.91.10	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued n/over $1 each.
7013.91.20	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over $1 but n/over $3 each.
7016.90.10	Paving blocks, slabs, bricks, squares, tiles & other arts. of pressed or molded glass, for building or construction purposes.
7017.10.60	Laboratory, hygienic or pharmaceutical glassware, whether or not calibrated or graduated, of fused quartz or other fused silica, nesoi.
7019.19.05	Fiberglass rubber reinforcing yarn, not color, of electrically nonconductive continuous filament 9 to 11 microns diam & impreg for adhesion to.
7019.19.15	Glass fiber yarns, not colored, other than fiberglass rubber reinforcing yarn.
7019.19.28	Glass fiber yarns, colored, other than fiberglass rubber reinforcing yarn.
7019.19.30	Glass fiber chopped strands of a length more than 50 mm.
7110.21.00	Palladium, unwrought or in powder form.
7114.11.60	Articles of silver nesoi, for household, table or kitchen use, toilet and sanitary wares, including parts thereof.

HTS subheading	Product description
7115.90.40	Silver (including metal clad with silver) articles (o/than jewelry or silversmiths' wares), nesoi.
7115.90.60	Articles of precious metal (o/than gold or silver), including metal clad with precious metal, nesoi.
7202.11.10	Ferromanganese containing by weight more than 2 percent but not more than 4 percent of carbon.
7202.11.50	Ferromanganese containing by weight more than 4 percent of carbon.
7202.30.00	Ferrosilicon manganese
7202.49.10	Ferrochromium containing by weight more than 3 percent but not more than 4 percent of carbon.
7202.49.50	Ferrochromium containing by weight 3 percent or less of carbon.
7202.92.00	Ferrovanadium.
7202.93.80	Ferroniobium, nesoi.
7303.00.00	Cast iron, tubes, pipes and hollow profiles.
7307.11.00	Cast nonmalleable iron, fittings for tubes or pipes.
7311.00.00	Iron/steel, containers for compressed or liquefied gas.
7315.19.00	Iron or steel, parts of articulated link chain.
7317.00.10	Iron or steel, thumb tacks.
7317.00.20	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., not threaded, suitable for use in powder-actuated hand tools.
7317.00.55	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., of one piece construction, made of round wire, nesoi.
7317.00.65	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., of one piece construction, not made of round wire, nesoi.
7317.00.75	Iron or steel, nails, tacks, corrugated nails, staples & similar arts., of two or more pieces, nesoi.
7319.90.90	Iron or steel, knitting needles, bodkins, crochet hooks, embroidery stilettos and similar articles for use in the hand.
7407.10.50	Refined copper, bars and rods.
7407.21.90	Copper-zinc base alloys (brass), bars & rods nesoi, not having a rectangular cross section.
7408.21.00	Copper-zinc base alloys (brass), wire.
7408.29.10	Copper alloys (o/than brass, cupro-nickel or nickel-silver), wire, coated or plated with metal.
7409.11.50	Refined copper, plates, sheets and strip, in coils, with a thickness over 0.15mm but less than 5 mm.
7409.21.00	Copper-zinc base alloys (brass), plates, sheets and strip, in coils.
7409.29.00	Copper-zinc base alloys (brass), plates, sheets and strip, not in coils.
7409.31.50	Copper-tin base alloys (bronze), plates, sheets and strip, in coils, with a thickness o/0.15mm but less than 5mm & a width of 500mm or more.
7409.31.90	Copper-tin base alloys (bronze), plates, sheets and strip, in coils, w/thickness o/0.15mm but less than 5mm & a width of less than 500mm.
7409.40.00	Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver), plates, sheets and strip, w/thickness o/0.15mm.
7409.90.90	Copper alloys (o/than brass/bronze/cupro-nickel/nickel silver), plates, sheets & strip, w/thick. o/0.15mm but less th/5mm & width less 500mm.
7410.11.00	Refined copper, foil, w/thickness of 0.15 mm or less, not backed.
7411.22.00	Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel-silver), tubes and pipes.
7418.10.00	Copper & copper alloy table, kitchen, household articles & parts; pot scourers, scouring & polishing pads, gloves, etc.
7506.20.05	Nickel alloy, foil, w/thickness not over 0.15 mm.
7907.00.10	Zinc, household, table or kitchen use articles; zinc toilet and sanitary wares; zinc parts of all the foregoing.
7907.00.20	Zinc, tubes or pipes and fittings for tubes or pipes.
7907.00.60	Zinc, articles (o/than for household, table or kitchen use), nesoi.
8112.92.40	Niobium (columbium), unwrought; niobium powders.
8112.92.50	Rhenium, unwrought; rhenium powders.
8112.99.20	Vanadium, nesoi, and articles thereof.
8203.20.40	Slip joint pliers.
8211.10.00	Sets of assorted knives w/cutting blades serrated or not (including pruning knives).
8211.91.25	Table knives w/fixed blades, w/stain. steel handles cont. Ni or ov 10% by wt of Mn, nesoi.
8211.91.30	Table knives w/fixed blades, w/stain. steel handles, nesoi, not ov 25.9 cm in overall length & val less than 25 cents each.
8211.91.40	Table knives w/fixed blades, w/stain. steel handles, nesoi.
8211.91.80	Table knives w/fixed blades, w/handles other than of silver-plate, stainless steel, rubber or plastics.
8211.92.40	Knives w/fixed blades (o/than table or kitchen and butcher knives), with rubber or plastic handles.
8211.92.60	Hunting knives w/fixed blades, with wood handles.
8211.92.90	Knives w/fixed blades (o/than table knives, other knives w/rubb./plast. handles, or hunting knives w/wood handles).
8214.90.30	Butchers' or kitchen cleavers with their handles, nesoi, and base metal parts thereof.
8214.90.60	Butchers' or kitchen chopping or mincing knives (o/than cleavers w/their handles), and base metal parts thereof.
8214.90.90	Articles of cutlery, nesoi, and base metal parts of cutlery, nesoi.
8306.30.00	Base metal photograph, picture or similar frames; base metal mirrors; base metal parts thereof.
8505.11.00	Permanent magnets and articles intended to become permanent magnets after magnetization, of metal.
8539.10.00	Sealed beam lamp units.
8711.40.30	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/500 cc but n/o 700 cc.
8714.10.00	Pts. & access. for motorcycles (including mopeds).
8714.93.05	Pts. & access. for bicycles & o/cycles, aluminum alloy hubs, w/hollow axle and lever-operated quick release mechanism.
8714.93.15	Pts. & access. for bicycles & o/cycles, 3-speed hubs nesoi.
8714.93.35	Pts. & access. for bicycles & o/cycles, non-variable speed hubs, nesoi.
8714.93.70	Pts. & access. for bicycles & o/cycles, free-wheel sprocket-wheels.

HTS subheading	Product description
9001.90.50	Prisms, unmounted.
9001.90.80	Half-tone screens designed for use in engraving or photographic processes, unmounted.
9002.11.40	Projection lenses, mounted, and parts and accessories therefor, for cameras, projectors or photographic enlargers or reducers.
9002.11.60	Mounted objective lenses for use in closed circuit television cameras, seperately imported, w/or w/o attached elec. connectors or motors.
9002.90.85	Mounted lenses, n/obj., for use in closed circuit television cameras, seperately imported, w/or w/o attached elec. connectors or motors.
9005.10.00	Binoculars.
9006.61.00	Photographic discharge lamp (“electronic”) flashlight apparatus.
9013.10.10	Telescopic sights for rifles not designed for use with infrared light.
9013.10.50	Other telescopic sights for arms other than rifles; periscopes.
9015.30.80	Levels, other than electrical.
9016.00.20	Electrical balances of a sensitivity of 5 cg or better, with or without weights, and parts and accessories thereof.
9016.00.40	Jewelers’ balances (nonelectrical) of a sensitivity of 5 cg or better, with or without weights, and parts and accessories thereof.
9030.20.10	Oscilloscopes and oscillographs, NESOI.
9105.29.10	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, not designed or constr. to operate over 47 hrs without rewinding.
9105.29.30	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, ov 1 jewel, constructed/designed to operate ov 47 hrs w/o rewinding.
9105.29.40	Wall clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over $5 each.
9105.29.50	Wall clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over $5 each.
9106.10.00	Time registers; time recorders.
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter.
9110.90.40	Incomplete clock movements consisting of 2 or more pieces or parts fastened or joined together.
9603.30.40	Artists’ brushes, writing brushes and similar brushes for the application of cosmetics, valued o/5 cents but n/o 10 cents each.
9603.30.60	Artists’ brushes, writing brushes and similar brushes for the application of cosmetics, valued o/10 cents each.

Section 3—The products that are enumerated and described in Section 3 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, or Sweden.

HTS subheading	Product description
2208.30.30	Irish and Scotch whiskies.
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool.
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere.
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi.
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6202.99.15	Rec perf outwear, women’s/girls’ anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont <70% by wt of silk.
6202.99.80	Women’s/girls’ anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont <70% by wt of silk.
6203.11.60	Men’s or boys’ suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less.
6203.11.90	Men’s or boys’ suits of wool or fine animal hair, not knitted or crocheted, nesoi.
6203.19.30	Men’s or boys’ suits, of artificial fibers, nesoi, not knitted or crocheted.
6203.19.90	Men’s or boys’ suits, of textile mats (except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, not knit or croch.
6208.21.00	Women’s or girls’ nightdresses and pajamas, not knitted or crocheted, of cotton.
6211.12.40	Women’s or girls’ swimwear, of textile materials(except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted.
6211.12.80	Women’s or girls’ swimwear, of textile materials (except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted.
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton.
6301.90.00	Blankets and traveling rugs, nesoi.
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped.
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.

Section 4—The products that are enumerated and described in Section 4 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark,

Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom.

HTS subheading	Product description
0901.21.00	Coffee, roasted, not decaffeinated.
0901.22.00	Coffee, roasted, decaffeinated.
2101.11.21	Instant coffee, not flavored.
8201.40.60	Axes, bill hooks and similar hewing tools (o/than machetes), and base metal parts thereof.
8203.20.20	Base metal tweezers.
8203.20.60	Pliers (including cutting pliers but not slip joint pliers), pincers and similar tools.
8203.30.00	Metal cutting shears and similar tools, and base metal parts thereof.
8203.40.60	Pipe cutters, bolt cutters, perforating punches and similar tools, nesoi, and base metal parts thereof.
8205.40.00	Screwdrivers and base metal parts thereof.
8211.93.00	Knives having other than fixed blades.
8211.94.50	Base metal blades for knives having other than fixed blades.
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working.
8467.19.50	Tools for working in the hand, pneumatic, other than rotary type, other than suitable for metal working.
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated.
8468.90.10	Parts of hand-directed or -controlled machinery, apparatus and appliances used for soldering, brazing, welding or tempering.
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food.
9002.11.90	Objective lenses and parts & access. thereof, for cameras, projectors, or photographic enlargers or reducers, except projection, nesoi.

Section 5—The products that are enumerated and described in Section 5 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, or Sweden.

HTS subheading	Product description
1905.31.00	Sweet biscuits.
1905.32.00	Waffles and wafers.
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded.
4908.10.00	Transfers (decalcomanias), vitrifiable.
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation.
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure.
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines.
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor.

Section 6—The products that are enumerated and described in Section 6 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, or Sweden.

HTS subheading	Product description
0203.29.40	Frozen meat of swine, other than retail cuts, nesoi.
0404.10.05	Whey protein concentrates.
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, descr in add U.S. note 16 to Ch. 4, not GN15.
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, not descr in add U.S. note 16 to Ch. 4, not GN 15.
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cows milk, neosi, o/0.5% by wt. of butterfat.
0406.90.16	Edam and gouda cheese, nesoi, subject to add. U.S. note 20 to Ch. 4.
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating.
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg.
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg.
2005.70.12	Olives, green, not pitted, in saline, not ripe.
2005.70.25	Olives, green, in a saline solution, pitted or stuffed, not place packed.

Section 7—The products that are enumerated and described in Section 7 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark,

Estonia, Finland, France, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, or Sweden.

HTS subheading	Product description
2208.70.00	Liqueurs and cordials.

Section 8—The products that are enumerated and described in Section 8 of this Annex are being considered for additional import duties if they are the product of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, or Sweden.

HTS subheading	Product description
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, subject to add. U.S. note 5 to Ch. 7.
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, not subject to add. U.S. note 5 to Ch. 7.
0711.20.38	Olives, n/pitted, nesoi.
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption.
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. U.S. note 4 to Ch. 20.
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr.
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less.
2204.21.50	Wine other than Tokay (not carbonated), not over 14% alcohol, in containers not over 2 liters.

Section 9—The products that are enumerated and described in Section 9 of this Annex are being considered for additional import duties if they are the product of France, Lithuania, or Poland.

HTS subheading	Product description
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, subject to Ch. 4 U.S. note 16 (quota).

Section 10—The products that are enumerated and described in Section 10 of this Annex are being considered for additional import duties if they are the product of Finland, France, or Poland.

HTS subheading	Product description
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. U.S. note 25 to Ch. 4.

Section 11—The products that are enumerated and described in Section 11 of this Annex are being considered for additional import duties if they are the product of Denmark, France, or Poland.

HTS subheading	Product description
1602.49.20	Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers.

Section 12—The products that are enumerated and described in Section 12 of this Annex are being considered for additional import duties if they are the product of France or Poland.

HTS subheading	Product description
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa.
0405.10.10	Butter subject to quota pursuant to chapter 4 additional U.S. note 6.
0405.10.20	Butter not subject to general note 15 and in excess of quota in chapter 4 additional U.S. note 6.
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add U.S. note 16 to Ch. 4, not GN15.
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat o/0.5% by wt, not GN15.
0811.90.80	Fruit, nesoi, frozen, whether or not previously steamed or boiled.
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products.
2008.60.00	Cherries, otherwise prepared or preserved, nesoi.
2008.70.20	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included.

HTS subheading	Product description
2008.97.90	Mixtures of fruit or other edible parts of plants, otherwise prepared or preserved, nesoi (excluding tropical fruit salad).
2009.89.65	Cherry juice, concentrated or not concentrated.
2009.89.80	Juice of any single vegetable, other than tomato, concentrated or not concentrated.

Section 13—The products that are enumerated and described in Section 13 of this Annex are being considered for additional import duties if they are the product of Bulgaria or France.

HTS subheading	Product description
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating.

Section 14—The products that are enumerated and described in Section 14 of this Annex are being considered for additional import duties if they are the product of France.

HTS subheading	Product description
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional U.S. note 14.
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to add. U.S. note 22 to Ch. 4.
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. U.S. note 22 to Ch. 4.
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. U.S. note 17 to Ch. 4.
0406.90.08	Cheddar cheese, neosi, subject to add. U.S. note 18 to Ch. 4.
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to add. U.S. note 18 to Ch. 4.
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. U.S. note 21 to Ch. 4.
0406.90.42	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to to GN 15 or Ch. 4 U.S. note 21.
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to add. U.S. note 25 to Ch. 4.
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, subj. to add. U.S. note 22 to Ch.4, not GN15.
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, not subject to Ch4 U.S. note 16, not GN15.
1605.53.60	Mussels, prepared or preserved.
2007.99.70	Currant and berry fruit jellies.
2008.40.00	Pears, otherwise prepared or preserved, nesoi.
2009.89.20	Pear juice, concentrated or not concentrated.
2009.89.40	Prune juice, concentrated or not concentrated.

Section 15—The products that are enumerated and described in Section 15 of this Annex are being considered for additional import duties if they are the product of Poland.

HTS subheading	Product description
0405.20.30	Butter substitute dairy spreads, over 45% butterfat weight, not subj to gen note 15 and in excess of quota in ch. 4 additional U.S. note 14.
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional U.S. note 1.
0406.30.85	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch. 4 U.S. note 23, not GN15.
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, not subj. to add. U.S. note 18 to Ch.4, not GN15.
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi.
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers.
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers.
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi.
1602.49.90	Prepared or preserved pork, nesoi.

Section 16—The products that are enumerated and described in Section 16 of this Annex are being considered for additional import duties if they are the product of the United Kingdom.

Note: For purposes of the subheading listed below, the informal product description defines and limits the scope of the proposed action and is intended to cover only a subsection of the subheading.

HTS subheading	Product description
2208.30.30	Irish and Scotch whiskies, other than Single-malt.

[FR Doc. 2019–26741 Filed 12–11–19; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–67]

Petition for Exemption; Summary of Petition Received; Daniel Orcutt

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before January 2, 2020.

ADDRESSES: Send comments identified by docket number FAA–2019–0733 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brittany Newton (202) 267–6691, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 29, 2019.

Brandon Roberts,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0733.

Petitioner: Daniel Orcutt.

Section(s) of 14 CFR Affected: § 121.436(a)(3).

Description of Relief Sought: Section 121.436(a)(3) requires that prior to serving as Pilot-in-Command (PIC) in part 121 operations, a pilot must have 1,000 hours while operating under one of the following conditions: Second-in Command (SIC) under part 121 operations, PIC under § 91.1053(a)(2)(i) operations, PIC under § 135.243(a)(1) operations, or any combination thereof. Section 121.436(c) allows for 500 hours of military flight time to be credited toward the 1,000 flight hour requirement of § 121.436(a)(3), provided the flight time was obtained as PIC of a multiengine turbine-powered, fixed-wing airplane in an operation requiring more than one pilot. Mr. Daniel J. Orcutt seeks an exemption from § 121.436(a)(3) and (c) to allow use of his military PIC experience to fulfill the 1,000 hours as SIC under part 121 operations requirement.

[FR Doc. 2019–26805 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2019–0396]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Employment With the Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 9, 2019. The collection involves an automated application process for employment with the Federal Aviation Administration. Applicants access an online form that is presented with requests for certain information.

The information collected is necessary to determine basic eligibility for employment and potential eligibility for Veteran's Preference, Veteran's Readjustment Act, and People with Disability appointments. In addition, there are specific occupation questions that assist the FAA Office of Human Resource Management (AHR) in determining candidates' qualifications in order that the best-qualified candidates are hired for the many FAA occupations.

DATES: Written comments should be submitted by January 13, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Toni Main-Valentin by email at: *toni.main-valentin@faa.gov;* phone: 405–954–0870.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0597.

Title: Application for Employment with the Federal Aviation Administration.

Form Numbers: FAA–3330–76.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 9, 2019 (84 FR 32826). Under the provisions of Public Law 104–50, the Federal Aviation Administration (FAA) was given the authority and the responsibility for developing and implementing its own personnel system without regard to most of the provisions of Title 5, United States Code, exceptions being those concerning veteran's preference and various benefits.

The OPM developed a suite of forms for use in automated employment processes: All under a single OMB approval. The FAA AHR has the same OMB approval for its automated application for employment. By automating processes for employment application and the evaluation of candidates, AHR has markedly improved the service it provides to the public as well as its ability to locate and hire the best-qualified applicants. Lastly, via this process, applicants are provided on-line results immediately upon submitting their application questionnaires.

The Agency is requesting certain information necessary to determine basic eligibility for employment and potential eligibility for Veteran's Preference, Veteran's Readjustment Act, and People with Disability appointments. In addition, occupation specific questions assist AHR in determining candidates' qualifications in order that the best-qualified candidates are hired for the many FAA occupations. The system currently in use for this collection is the Automated Vacancy Information Access Tool for Online Referral (AVIATOR). This system cannot be directly accessed. Applicants are transferred to the AVIATOR system from OPM's USAJOBS website during the application process.

Respondents: Over 180,000 U.S. citizens identified as applicants for employment with the Federal Aviation Administration.

Frequency: On occasion/as interested.

Estimated Average Burden per Response: 180,000 hours.

Approximately 180,000 respondents will complete an application form on as needed basis. Based on this sample size, it will take the average applicant approximately 1 hour to read the instructions and complete the form.

Estimated Total Annual Burden: The estimated total burden is 180,000 hours annually.

Issued in Washington, DC, on December 6, 2019.

Alpha Woodson-Smith,

Information Technology Project Manager, Finance and Management (AFN), Information and Technology Services (AIT), Enterprise Program Management Service (AEM–320).

[FR Doc. 2019–26702 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2012–0091]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a letter dated November 22, 2019, Montana Rail Link, Inc. (MRL) petitioned the Federal Railroad Administration (FRA) to include MRL in a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. FRA assigned the petition Docket Number FRA–2012–0091.

Specifically, MRL seeks relief with respect to the application of 49 CFR 232.205(c)(1), *Class I brake test-initial terminal inspection,* and § 232.207(b)(1), *Class IA brake tests—1,000-mile inspection,* for trains operating in distributive power mode. MRL requests to extend the maximum allowable brake pipe air flow from the present regulatory limit of 60 cubic feet per minute (CFM) to 90 CFM for distributed power-equipped trains under specified operating conditions.

On March 26, 2013, FRA granted a pilot test waiver to the BNSF Railway Company for these same provisions. Canadian National Railway and Canadian Pacific Railway were added as parties to the test waiver on November 21, 2014, and Union Pacific Railroad was added as a party on March 4, 2015. On May 3, 2017, FRA granted a change in status from a test waiver to a waiver of compliance, and on February 8, 2019, CSX Transportation, Inc. was added to the waiver. MRL requests to be a party to the same waiver. If granted, MRL would be subject to the same conditions as set forth in FRA's May 3, 2017 letter.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by January 27, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our

dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2019–26744 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0147]

Deepwater Port Pre-Application Meeting Guidance

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) and the United States Coast Guard (USCG) encourage parties planning to submit an application for a license to own, construct, and operate a deepwater port under the Deepwater Port Act of 1974 (DWPA) to meet with MARAD and USCG staff at least six months in advance of submitting an application in order to provide an overview of their proposed project, to discuss the details of the federal and state application and licensing process, and to introduce key personnel. As the application is developed, additional status meetings/work sessions prior to submittal are also encouraged to review progress and to address questions. At least two weeks prior to application submittal, the applicant and the USCG selected third party environmental contractor should meet with MARAD and USCG in a final pre-application project kick-off meeting to ensure all parties understand the project, review process, and roles and responsibilities, and are prepared for the application distribution for completeness review and scoping preparation. The contents of this policy notice do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding agency policy.

FOR FURTHER INFORMATION CONTACT: Ms. Yvette M. Fields, Director, Office of Deepwater Port Licensing and Port Conveyance, Maritime Administration, Telephone: 202–366–0926, Email: *Yvette.Fields@dot.gov,* Fax: 202–366–6988.

SUPPLEMENTARY INFORMATION: The contents of this policy notice do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding agency policy. The purpose of pre-application meetings is to give potential deepwater port license applicants an opportunity to meet with MARAD and USCG to discuss the details of their proposed project prior to filing a license application. During pre-application meetings, applicants will have the opportunity to present an overview of their proposed projects, learn about the application review process, and ask questions about any aspect of the approval process. Pre-application meetings are voluntary. Participation in pre-application meetings will not affect the decision on whether a license application is ultimately approved or denied.

MARAD and USCG encourage potential applicants to meet with the agencies at least six months in advance of submitting a deepwater port license application. Pre-application meetings are helpful in identifying potential deficiencies in proposed applications, enabling applicants to ultimately submit complete applications and minimize potential delays in processing. Multiple pre-application meetings/work sessions are encouraged leading up to the application submittal to review progress and address questions. MARAD and USCG further recommend that prospective applicants intending to use the USCG's third party environmental contract mechanism complete the third party environmental consultant contract process in advance of a final pre-application kick-off meeting at least two weeks prior to submittal of the application, so that the selected third party contractor may attend the pre-application meeting to become familiar with the project. This final pre-application project kickoff meeting is to ensure all parties understand their roles and responsibilities and are ready to initiate application distribution for completeness review and then subsequent full distribution for National Environmental Policy Act (NEPA) scoping. At a minimum, the pre-application project kickoff meeting should include a review and discussion of:

- The prospective applicant's proposed final project description, including the offshore and onshore components, pipeline connections, and other related components of the proposed project;
- The statutorily required Federal application review process, NEPA evaluation, and risk assessment process;
- The Federal, state and local agency contacts, elected officials, Non-Governmental Organizations, and affected public;
- The points of contact for communications between the applicant, MARAD, USCG, the third party environmental consultant and other relevant entities;
- The Federal Docket Management System that will serve as a repository of records for the proposed project application, including **Federal Register** notices, public comments, environmental documents, and other project related data and information;
- The prospective applicant's plans for application submittal and distribution to agencies; and
- Preliminary scoping plans for purposes of NEPA and other related laws.

Additional information on the third party environmental contractor process is available at *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/Operating%20and%20Environmental%20Standards/OES-2/DWP/Third%20Party%20Contracting%20Handbook%20-%20Final_February%202015.pdf?ver=2017-07-26-102701-850.* Additional information on the licensing process, including project milestones and timelines, is available at *https://www.maritime.dot.gov/ports/deepwater-ports-and-licensing/licensing-process.* To schedule a pre-application meeting with MARAD and USCG, please see **FOR FURTHER INFORMATION CONTACT**, above.

(Authority: 33 U.S.C. Chapter 29; 49 CFR 1.93(h).)

* * * * *

Dated: December 9, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–26789 Filed 12–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Extensions of Credit to Insiders and Transactions With Affiliates

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its information collection titled, ''Extensions of Credit to Insiders and Transactions with Affiliates.''

DATES: You should submit comments by February 10, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0336, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0336'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0336'' or ''Extensions of Credit to Insiders and Transactions with Affiliates.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include 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 title 44 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, the OCC is publishing notice of the renewal of this collection of information.

Title: Extensions of Credit to Insiders and Transactions with Affiliates.

OMB Number: 1557–0336.

Description: National banks and Federal savings associations must comply with rules of the Federal Reserve Board (Board) regarding extensions of credit to insiders (Regulation O) [2] and transactions with affiliates (Regulation W),[3] which implement section 22 and sections 23A and 23B, respectively, of the Federal Reserve Act (FRA).[4] Twelve CFR part 31 addresses these transactions for national banks and Federal savings associations. Specifically, 12 CFR 31.2 requires national banks and Federal savings associations to comply with Regulation O, and 12 CFR 31.3 requires national banks and Federal savings associations to comply with Regulation W. Appendix A to part 31 provides interpretive guidance on the application of Regulation W to deposits between affiliated banks. Both national banks and Federal savings associations must comply with Regulation O and Regulation W.

Section 31.3(c) implements the statutory standards for authorizing an exemption from section 23A of the FRA or section 11 of the Home Owners' Loan Act (HOLA) [5] in accordance with section 608 of the Dodd Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Section 608, which became effective on July 21, 2012, amends section 23A of the FRA and section 11 of the HOLA to authorize the OCC to exempt, by order, a transaction of a national bank or Federal savings association, respectively, from the affiliate transaction requirements of section 23A and section 11 of the HOLA if: (1) The OCC and the Board jointly find the exemption to be in the public interest and consistent with the purposes of section 23A or section 11, and (2) within 60 days of receiving notice of such finding, the Federal Deposit Insurance Corporation does not object in writing to the finding. Such objection would be based on a determination that the exemption

[1] Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

[2] 12 CFR part 215.

[3] 12 CFR part 223.

[4] 12 U.S.C. 371c, 371c–1, 375a, and 375b. In addition, section 11 of the Home Owners' Loan Act, 12 U.S.C. 1468, includes certain restrictions on transactions with affiliates that are not included in FRA section 23A.

[5] 12 U.S.C. 1468.

presents an unacceptable risk to the Deposit Insurance Fund.[6]

Section 31.3(d) sets forth procedures that a national bank and Federal savings association must follow to request such exemptions. These procedures are modeled after the Board's procedures in Regulation W. A national bank or Federal savings association may request an exemption from the requirements of section 23A or section 11 of the HOLA, as applicable, and 12 CFR part 223 for a national bank or Federal savings association by submitting a written request to the Deputy Comptroller for Licensing with a copy to the appropriate Federal Reserve Bank. Such a request must:

(1) Describe in detail the transaction or relationship for which the national bank or Federal savings association seeks exemption;

(2) Explain why the OCC should exempt the transaction or relationship;

(3) Explain how the exemption would be in the public interest and consistent with the purposes of section 23A or section 11 of the HOLA, as applicable; and

(4) Explain why the exemption does not present an unacceptable risk to the Deposit Insurance Fund.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1.

Estimated Frequency of Response: On occasion.

Estimated Total Annual Burden: 10 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: December 5, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–26809 Filed 12–11–19; 8:45 am]

BILLING CODE 4810–33–P

[6] *See* section 608(a)(4)(A)(iv) of the Dodd-Frank Act (exemptive authority for national banks) and section 608(c) of the Dodd-Frank Act (exemptive authority for Federal savings associations).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Financial Management Policies—Interest Rate Risk

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, ''Financial Management Policies—Interest Rate Risk,'' which is applicable only to Federal savings associations.

DATES: Comments must be submitted on or before February 10, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0299, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0299'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0299'' or ''Financial Management Policies—Interest Rate Risk.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c)

[1] Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

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 title 44 requires Federal agencies to publish 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, the OCC is publishing this notice of the renewal of the following information collection:

Title: Financial Management Policies—Interest Rate Risk.

OMB Control No.: 1557–0299.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Frequency of Response: On occasion.

Burden Estimate:

Estimated Number of Respondents: 304.

Estimated Annual Burden: 12,160.

Description: This information collection covers the recordkeeping burden for Federal savings associations to maintain data in accordance with OCC's regulation on interest rate risk procedures, 12 CFR 163.176. The purpose of the regulation is to ensure that Federal savings associations appropriately manage their exposure to interest rate risk. To comply with this reporting requirement, institutions need to maintain sufficient records to document how their interest rate risk exposure is monitored and managed internally.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: December 5, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–26808 Filed 12–11–19; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Guidance on Sound Incentive Compensation Policies

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an information collection as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of an information collection titled, ''Guidance on Sound Incentive Compensation Policies.''

DATES: Written comments should be submitted by February 10, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0245, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0245'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0245'' or ''Guidance on Sound Incentive Compensation Policies.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section

[1] Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

3506(c)(2)(A) of title 44 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, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Guidance on Sound Incentive Compensation Policies.

OMB Number: 1557–0245.

Description: Under the guidance, each large national bank and Federal savings association is required to: (i) Have policies and procedures that identify and describe the role(s) of the personnel and units authorized to be involved in developing and administering incentive compensation arrangements, identify the source of significant risk-related factors, establish appropriate controls governing these factors to help ensure their reliability, and identify the individual(s) and unit(s) whose approval is necessary for the establishment or modification of incentive compensation arrangements; (ii) create and maintain sufficient documentation to permit an audit of the organization's processes for developing and administering incentive compensation arrangements; (iii) have any material exceptions or adjustments to the incentive compensation arrangements established for senior executives approved and documented by its board of directors; and (iv) have its board of directors receive and review, on an annual or more frequent basis, an assessment by management of the effectiveness of the design and operation of the organization's incentive compensation system in providing risk-taking incentives that are consistent with the organization's safety and soundness. Application of the guidance to banking organizations will vary with their size and complexity, and monitoring methods for small banks are not directly tied to these four policies and procedures.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 41 large banks; 1,105 small banks.

Total Annual Burden: 46,400 hours.

Frequency of Response: Annually.

All comments will be considered in formulating the subsequent submission and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: December 5, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–26807 Filed 12–11–19; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On December 6, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AL–LAMI, Hussein Falah (a.k.a. AL–LAMI, Abu Zainab; a.k.a. AZIZ, Hussein Faleh), Iraq; DOB 20 Jun 1969; POB Baghdad, Iraq; nationality Iraq; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,'' 82 FR 60839, 3 CFR, 2017 Comp., p. 399, (E.O. 13818) for being a foreign person who is responsible for, complicit in, or has directly or indirectly engaged in, serious human rights abuse.

2. AL–KHAZALI, Qais (a.k.a. ALAZEREJ, Qays Hadi Sayyid; a.k.a. AL–KHAZALI, Qais Hadi Sayed Hasan), Iraq; DOB 20 Jun 1974; alt. DOB 1974; POB Baghdad, Iraq; nationality Iraq; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13818 for being a foreign person who is or has been a leader or official an entity, including any government entity, that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

3. AL–KHAZALI, Laith (a.k.a. ALAZIREG, Layth Hadi Sayyid), Iraq; DOB 14 Oct 1975; nationality Iraq; Gender Male; Passport A10537439 (Iraq) expires 16 Oct 2023 (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 for being a foreign person who is responsible for, complicit in, or has directly or indirectly engaged in, serious human rights abuse.

4. AL–ISSAWI, Khamis Farhan Al-Khanjar (a.k.a. ALESSAWI, Khamis F Ali; a.k.a. ALI, Khamees Farhan Ali; a.k.a. ALI, Khames Farhan Ali; a.k.a. AL–KHANJAR, Khamis), Jordan; Iraq; DOB 1965; alt. DOB 08 Sep 1968; alt. DOB 08 Sep 1965; POB Fallujah, Iraq; nationality Iraq; Gender Male; Passport D1022354 (Iraq) expires 21 May 2023 (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(A)(1) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery.

Dated: December 6, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–26786 Filed 12–11–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (the SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is also publishing an update to the identifying information of persons currently included in the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

A. On December 9, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. ANDRIC, Goran, Serbia; DOB 21 Apr 1965; nationality Serbia; alt. nationality Bosnia and Herzegovina; citizen Serbia; alt. citizen United Kingdom; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,'' 82 FR 60839, 3 CFR, 2017 Comp., p. 399, (E.O. 13818) for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

2. BRKIC, Nikola, Serbia; DOB 13 Jan 1954; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

3. CVJETKOVIC, Sreten, Serbia; DOB 15 Jan 1961; nationality Serbia; Gender Male; National ID No. 006789921 (Serbia) expires 25 May 2025 (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

4. KAPIDZIC, Esad (a.k.a. KAPIDZIC, Eso), Serbia; DOB 23 Jun 1959; alt. DOB 23 Jun 1958; POB Prijepolje, Montenegro; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

5. MARICIC, Ljubo, Serbia; DOB 10 Jan 1959; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

6. PETROVIC, Zoran, Serbia; DOB 25 Apr 1969; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

7. PETROVIC, Zelimir, Serbia; DOB 01 Sep 1981; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

8. SARENAC, Nebojsa, Serbia; DOB 25 Dec 1977; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

9. SUBOTIC, Milan, Serbia; DOB 08 Nov 1981; nationality Serbia; Gender Male (individual) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

10. LEMBERGS, Aivars, Ventspils, Latvia; DOB 26 Sep 1953; POB Jekabpils, Latvia; nationality Latvia; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of E.O. 13818 for being a foreign person who is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to contracts or the extraction of natural resources, or bribery.

11. CHANDY, King (a.k.a. CHAN DY, King; a.k.a. CHANDY, Keung; a.k.a. CHANDY, Koeung), Cambodia; DOB 01 Mar 1959; alt. DOB 01 Mar 1958; Gender Female (individual) [GLOMAG] (Linked To: KIM, Kun).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, KIM, Kun, a person whose property and interests in property are blocked pursuant to E.O. 13818.

12. KIM, Kun, Cambodia; DOB 01 Jan 1954; POB Chan Toung Village, Sralap Commune, Tbaung Khmum District, Cambodia; Gender Male; Passport N0000259216 (Cambodia) expires 10 Jun 2025; alt. Passport D0002907 (Cambodia) (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of E.O. 13818 for being a

foreign person who is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to contracts or the extraction of natural resources, or bribery.

13. PHARA, Kim, 135, St. 110 SR., Takhmao, Kandal, Cambodia; DOB 10 Sep 1984; POB Cambodia; Gender Male; Passport N0263817 (individual) [GLOMAG] (Linked To: KIM, Kun).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, KIM, Kun, a person whose property and interests in property are blocked pursuant to E.O. 13818.

14. SOPHARY, Kim, 135, Street 110, Takhmao, Kandal 0811, Cambodia; DOB 12 Dec 1982; POB Kampong Cham, Cambodia; Gender Female; Passport N00013860 (Cambodia) expires 13 Aug 2024 (individual) [GLOMAG] (Linked To: KIM, Kun).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, KIM, Kun, a person whose property and interests in property are blocked pursuant to E.O. 13818.

15. PHEAP, Try (a.k.a. PHEAP, Thy), N10AB Street 271 SK. Toek Laork III, Khan Toul Kork, Phnom Penh, Cambodia; DOB 15 Jul 1965; POB Kandal Province, Cambodia; Gender Male; Passport N0239194 (Cambodia) expires 21 Feb 2008 (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of E.O. 13818 for being a foreign person who is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to contracts or the extraction of natural resources, or bribery.

Entities

1. ARANEKS DOO (a.k.a. ARANEKS DOO BEOGRAD–VOZDOVAC), Bulevar Oslobodenja 166, Belgrade 11010, Serbia; Tax ID No. 110965174 (Serbia); Registration Number 21407429 (Serbia) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

2. BUSINESS DIVERSITY LIMITED (a.k.a. BUSINESS DIVERSITY LTD), Unit 11/F, CNT Tower, 338 Hennessy Road, Wan Chai, Hong Kong; Registration Number 2421075 (Hong Kong) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

3. FALCON STRATEGIC SOLUTIONS DOO (a.k.a. FALCON STRATEGIC SOLUTIONS DOO BEOGRAD–PALILULA), Todora Manojlovica 28, Belgrade 11060, Serbia; Tax ID No. 110427636 (Serbia); Registration Number 21348953 (Serbia) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

4. FINROST LIMITED, Eleniko Building, Floor 4, Fla, 7 Stasandrou, Nicosia 1060, Cyprus; Registration Number HE 357180 (Cyprus) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

5. MELVALE CORPORATION DOO BEOGRAD (a.k.a. PREDUZECE ZA PROIZVODNJU, PROMET I USLUGE MELVALE CORPORATION DOO, BEOGRAD STARI GRAD), Tadeusa Koscuska 56, Belgrade 11000, Serbia; Tax ID No. 104150191 (Serbia); Registration Number 20100575 (Serbia) [GLOMAG] (Linked To: SARENAC, Nebojsa).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, SARENAC, Nebojsa, a person whose property and interests in property are blocked pursuant to E.O. 13818.

6. MOONSTORM ENTERPRISES LIMITED, Elli Court, Flat No. 4, Floor No. 2, Arch. Makariou III 210, Limassol 3030, Cyprus; Registration Number HE247830 (Cyprus) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

7. TARDIGRADE LIMITED, Dimitriados 1, Limassol 4004, Cyprus; Registration Number C378737 (Cyprus) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

8. VECTURA TRANS DOO (a.k.a. VECTURA TRANS DOO NOVI BEOGRAD), Narodnih Heroja 16, Belgrade, Serbia; Tax ID No. 109894091 (Serbia); Registration Number 21262358 (Serbia) [GLOMAG] (Linked To: TESIC, Slobodan).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, TESIC, Slobodan, a person whose property and interests in property are blocked pursuant to E.O. 13818.

9. VELCOM TRADE DOO BEOGRAD (a.k.a. VELCOM TRADE PREDUZECE ZA PROIZVODNJU PROMET I USLUGE DOO, BEOGRAD STARI GRAD), Tadeusa Koscuskog 56, Belgrade 11000, Serbia; Tax ID No. 102858071 (Serbia); Registration Number 17499858 (Serbia) [GLOMAG] (Linked To: ANDRIC, Goran).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, ANDRIC, Goran, a person whose property and interests in property are blocked pursuant to E.O. 13818.

10. BIZNESA ATTISTIBAS ASOCIACIJA (a.k.a. ''BUSINESS DEVELOPMENT ASSOCIATION''), 8–1 Uzavas iela, Ventspils LV–3601, Latvia; Tax ID No. 40008055717 (Latvia) [GLOMAG] (Linked To: LEMBERGS, Aivars).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, LEMBERGS, Aivars, a person whose property and interests in property are blocked pursuant to E.O. 13818.

11. LATVIJAS TRANZITA BIZNESA ASOCIACIJA (a.k.a. LATVIAN TRANSIT BUSINESS ASSOCIATION; a.k.a. TRANSIT BUSINESS ASSOCIATION OF LATVIA), 66 Dzintaru iela, Ventspils LV–3602, Latvia; Tax ID No. 40008008110 (Latvia) [GLOMAG] (Linked To: LEMBERGS, Aivars).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, LEMBERGS, Aivars, a person whose property and interests in property are blocked pursuant to E.O. 13818.

12. VENTSPILS ATTISTIBAS AGENTURA (a.k.a. VENTSPILS DEVELOPMENT AGENCY; a.k.a. VENTSPILS DEVELOPMENT ASSOCIATION), Inzenieru 101A, Ventspils 3601, Latvia; Tax ID No. 40008033300 (Latvia) [GLOMAG] (Linked To: LEMBERGS, Aivars).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, LEMBERGS, Aivars, a person whose property and interests in property are blocked pursuant to E.O. 13818.

13. VENTSPILS FREEPORT AUTHORITY (a.k.a. FREEPORT OF VENTSPILS; a.k.a. FREEPORT OF VENTSPILS AUTHORITY; a.k.a. VENTSPILS FREE PORT; a.k.a. VENTSPILS FREEPORT), Jana 19, Ventspils LV–3601, Latvia [GLOMAG] (Linked To: LEMBERGS, Aivars).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, LEMBERGS, Aivars, a person whose property and interests in property are blocked pursuant to E.O. 13818.

14. 7 MAKARA PHARY CO., LTD., Deaum Mien, Daeum Mien, Ta Khmau, Kandal 8252, Cambodia; Company Number 00037307 (Cambodia) [GLOMAG] (Linked To: SOPHARY, Kim).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, SOPHARY, Kim, a person whose property and interests in property are blocked pursuant to E.O. 13818.

15. CAMBO ELITE SECURITY FORCE CO., LTD., Thmei, Ta Khmau, Ta Khmau, Kandal 8251, Cambodia; Company Number 00038610 (Cambodia) [GLOMAG] (Linked To: SOPHARY, Kim).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, SOPHARY, Kim, a person whose property and interests in property are blocked pursuant to E.O. 13818.

16. K D RUBBER PLANTATION CO., LTD., 135, 110, Thmei, Ta Khmau, Ta Khmau, Kandal 8251, Cambodia; Company Number 00023622 (Cambodia) [GLOMAG] (Linked To: CHANDY, King).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, CHANDY, King, a person whose property and interests in property are blocked pursuant to E.O. 13818.

17. ROMDOUL CAPITAL PAWN CO., LTD., 21, 352 Boeng Keng Kang Muoy, Chamkar Mon, Phnom Penh, Cambodia; Company Number 00005573 (Cambodia) [GLOMAG] (Linked To: PHARA, Kim).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHARA, Kim, a person whose property and interests in property are blocked pursuant to E.O. 13818.

18. ROMDOUL DEVELOPMENT CO., LTD., Boeng Keng Kang Moy, Chamkar Mon, Phnom Penh, Cambodia; Company Number 00024848 (Cambodia) [GLOMAG] (Linked To: PHARA, Kim).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHARA, Kim, a person whose property and interests in property are blocked pursuant to E.O. 13818.

19. M D S THMORDA S E Z CO., LTD. (a.k.a. MDS THMORDA SEZ), 10 AB, 271, Tuek L'ak Bei, Tuol Kouk, Phnom Penh, Cambodia; Company Number 00019416 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

20. M. D. S. IMPORT EXPORT CO., LTD. (a.k.a. MDS IMPORT EXPORT; a.k.a. MDS IMPORT EXPORT CO., LTD.), 10 AB, Tuek L'ak Bei, Tuol Kouk, Phnom Penh, Cambodia; Tax ID No. K005–105000833 (Cambodia); Company Number 00019488 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

21. PAPA PETROLEUM CO., LTD., 35, Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Tax ID No. L001–901503571 (Cambodia); Company Number 00019413 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

22. TRY PHEAP DRY PORT CO., LTD., 35, 41 110 Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Tax ID No. K003–100194060 (Cambodia); Company Number 00019406 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

23. TRY PHEAP ENGINEERING & CONSTRUCTION CO., LTD. (a.k.a. TRY PHEAP ENGINEERING AND CONSTRUCTION CO., LTD.), 3–5 Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Tax ID No. L0001–901504050 (Cambodia); Company Number 00019414 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

24. TRY PHEAP GRAND ROYAL CAMBODIA CO., LTD., Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Company Number 00014853 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

25. TRY PHEAP GROUP CO., LTD., 3, Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Company Number 00019408 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

26. TRY PHEAP IMPORT EXPORT CO., LTD., 3 Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Tax ID No. K003–100075533 (Cambodia); Company Number 00019401 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

27. TRY PHEAP OYADAV S E Z CO., LTD. (a.k.a. TRY PHEAP OU YA DAV), 1 A, 271, Tuek L'ak Bei, Tuol Kouk, Phnom Penh, Cambodia; Company Number 00019411 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

28. TRY PHEAP PROPERTY CO., LTD., 03 Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Tax ID No. K003–901637752 (Cambodia); Company Number 00013378 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

29. TRY PHEAP TRAVEL & TOURS CO., LTD. (a.k.a. TRY PHEAP TRAVEL AND TOURS CO., LTD.), 3, Voat Phnum, Doun Penh, Phnom Penh, Cambodia; Tax ID No. K003–104019131 (Cambodia); Company Number 00019403 (Cambodia) [GLOMAG] (Linked To: PHEAP, Try).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, PHEAP, Try, a person whose property and interests in property are blocked pursuant to E.O. 13818.

B. On December 9, 2019, OFAC published the following revised identifier information for the following person on the SDN List whose property and interests in property continue to be blocked pursuant to E.O. 13818.

Entity

1. TEHNOGLOBAL SYSTEMS DOO BEOGRAD (a.k.a. CALIDUS TRADE DOO; a.k.a. CALIDUS TRADE DOO BEOGRAD), Maglajska 19 11000, Beograd 6, Beograd, Serbia; Registration ID 20295066 (Serbia); Tax ID No. 105012258 [GLOMAG] (Linked To: TESIC, Slobodan).

Dated: December 9, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–26787 Filed 12–11–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Relating to Constructive Transfers and Transfers of Property to a Third Party on Behalf of a Spouse

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the requirements relating to the constructive transfers and transfers of property to a third party on behalf of a spouse.

DATES: Written comments should be received on or before February 10, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Philippe Thomas, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Constructive Transfers and Transfers of Property to a Third Party on Behalf of a Spouse.

OMB Number: 1545–1751.

Regulatory Number: TD 9035.

Abstract: Constructive transfers and transfers of property to a third-party on behalf of a spouse. The regulation sets forth the required information that will permit spouses or former spouses to treat a redemption by a corporation of stock of one spouse or former spouse as a transfer of that stock to the other spouse or former spouse in exchange for the redemption proceeds and a redemption of the stock from the latter spouse or a former spouse in exchange for the redemption proceeds.

Current Actions: There is no change to the burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 30 mins.

Estimated Total Annual Burden Hours: 500.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: December 9, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–26778 Filed 12–11–19; 8:45 am]

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