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Presidential Documents

Title 3—

The President

Presidential Determination No. 2019–12 of April 29, 2019

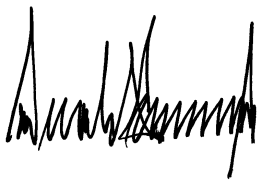
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy InformationAdministration, including the report submitted in April 2019, and other relevant factors such as global economic conditions, increased oil production by the United States and certain other countries, the global level of spare petroleum production capacity, and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
April 29, 2019

[FR Doc. 2019–10472
Filed 5–16–19; 8:45 am]
BILLING CODE 4710–10–P

Presidential Documents

Memorandum of April 30, 2019

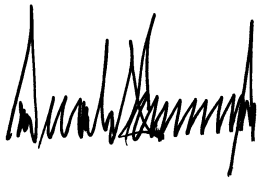
Delegation of Authority Under Section 5 of the United States-Caribbean Strategic Engagement Act of 2016

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the authority to submit the report required under section 5 of the United States-Caribbean Strategic Engagement Act of 2016 (Public Law 114–291).

The delegation in this memorandum shall apply to any provisions of any future public law that are the same or substantially the same as the provision referenced in this memorandum.The Secretary of State may redelegate within the Department of State the authority delegated by this memorandum to the extent authorized by law.

The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 30, 2019

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC–2017–0032; Docket No. PRM–170–7; NRC–2018–0172]

RIN 3150–AJ99

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended (OBRA–90), which requires the NRC to recover approximately 90 percent of its annual budget through fees.

DATES: This final rule is effective on July 16, 2019.

ADDRESSES: Please refer to Docket ID NRC–2017–0032 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–2017–0032. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. For the convenience of the reader, the ADAMS accession numbers and instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anthony Rossi, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7341, email: *Anthony.Rossi@nrc.gov.*

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I. Statutory Authority

The NRC's fee regulations are primarily governed by two laws: (1) The Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701), and 2) OBRA–90 (42 U.S.C. 2214). The IOAA generally authorizes and encourages Federal regulatory agencies to recover—to the fullest extent possible—costs attributable to services provided to identifiable recipients. The OBRA–90 requires the NRC to recover approximately 90 percent of its budget authority for the fiscal year (FY) through fees; in FY 2019, amounts appropriated for international activities, generic homeland security activities, advanced reactor regulatory infrastructure activities, waste incidental to reprocessing, and Inspector General services for the Defense Nuclear Facilities Safety Board are excluded from this fee-recovery requirement. The OBRA–90 requires the NRC to use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable applicants and licensees (such as licensing work, inspections, and special projects). The regulations at part 170 of title 10 of the *Code of Federal Regulations* (10 CFR) authorize these fees. But, because the NRC's fee recovery under the IOAA (10 CFR part 170) does not equal 90 percent of the NRC's budget authority for the fiscal year, the NRC also assesses ''annual fees'' under 10 CFR part 171 to recover the remaining amount necessary to meet OBRA–90's fee-recovery requirement. These annual fees recover costs that are not otherwise collected through 10 CFR part 170.

II. Discussion

FY 2019 Fee Collection—Overview

The NRC is issuing the FY 2019 final fee rule based on Public Law (Pub. L.) 115–244, ''Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019,'' (Act) (the enacted budget), in the amount of $911.0 million, a decrease of $11.0 million from FY 2018. As explained previously, certain portions of the NRC's total budget are excluded from the NRC's fee-recovery amount—specifically, these exclusions total to $43.4 million, consisting of: $16.1 million for international activities, $14.6 million for generic homeland security activities, $10.3 million for advanced reactor infrastructure, $1.3 million for Waste Incidental to Reprocessing activities, and $1.1 million for Inspector General services for the Defense Nuclear Facilities Safety Board. Additionally, OBRA–90 requires the NRC to recover approximately 90 percent of the remaining budget authority for the fiscal year—10 percent of the remaining budget authority is not recovered through fees. The NRC refers to the activities included in this 10-percent as ''fee-relief'' activities.

After accounting for the OBRA–90 exclusions, the fee-relief activities, and net billing adjustments (*i.e.,* the sum of unpaid current year invoices (estimated) minus payments for prior year invoices), the NRC must bill approximately $782.5 million in fees in FY 2019 to licensees

and applicants. Of this amount, the NRC estimates that $252.1 million will be recovered through 10 CFR part 170 user fees; that leaves approximately $530.5 million to be recovered through 10 CFR part 171 annual fees. Table I summarizes the fee-recovery amounts for the FY 2019 final fee rule using the enacted budget, and taking into account excluded activities, the fee-relief activities, and net billing adjustments (individual values may not sum to totals due to rounding). Please see the work papers (ADAMS Accession No. ML19106A409) for actual amounts.

The Joint Explanatory Statement associated with the Act includes direction for the NRC to use $20.0 million in carryover funds. The use of carryover funds allows the NRC to accomplish the work needed without additional costs to licensees because, consistent with the requirements of OBRA–90, fees are calculated based on the budget authority enacted for the current FY and not carryover funds.

TABLE I—BUDGET AND FEE RECOVERY AMOUNTS [1]

[Dollars in millions]

	FY 2018 final rule	FY 2019 final rule	Percentage change
Total Budget Authority	$922.0	$911.0	−1.2
Less Excluded Fee Items	−43.8	−43.4	−0.9
Balance	878.2	867.6	−1.2
Fee Recovery Percent	90	90	0.0
Total Amount to be Recovered:	790.4	780.8	−1.2
Adjustment USAID Rescission [2]	−0.1	0.0	100.0
Total Amount to be Recovered Post USAID:	790.3	780.8	−1.2
10 CFR Part 171 Billing Adjustments:			
Unpaid Current Year Invoices (estimated)	6.5	4.5	−30.8
Less Payments Received in Current Year for Previous Year Invoices (estimated)	−7.5	−2.8	−62.7
Subtotal	−1.0	1.7	270.0
Amount to be Recovered through 10 CFR Parts 170 and 171 Fees	789.3	782.5	−0.9
Less Estimated 10 CFR Part 170 Fees	−280.8	−252.1	−10.2
10 CFR Part 171 Fee Collections Required	$508.5	$530.5	4.3

FY 2019 Fee Collection—Professional Hourly Rate

The NRC uses a professional hourly rate to assess fees for specific services provided by the NRC under 10 CFR part 170. The professional hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). This rate would be applicable to all activities for which fees are assessed under §§ 170.21 and 170.31.

The NRC's professional hourly rate is derived by adding budgeted resources for: (1) Mission-direct program salaries and benefits; (2) mission-indirect program support; and (3) agency support (corporate support and the Inspector General), and then subtracting certain offsetting receipts, and then dividing this total by the mission-direct full-time equivalents (FTE) converted to hours. The mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours. The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract resources, which are generally billed to licensees separately. The following shows the professional hourly rate calculation:

$$\frac{\text{Budgeted Resources}\quad \$759.8 \text{ million}}{\text{Mission-Direct FTE Converted to Hours}\quad 1{,}810 \times 1{,}510} = \text{Professional Hourly Rate} = \$278$$

For FY 2019, the NRC is increasing the professional hourly rate from $275 to $278. The 1.1 percent increase in the FY 2019 professional hourly rate is due to the decline in the number of mission-direct FTE compared to FY 2018. The number of mission-direct FTE declined by 41, primarily due to the standardization and centralization of mission support functions within the programmatic offices, and the transition of Wyoming to status as an Agreement State. The FY 2019 estimate for annual mission-direct FTE productive hours is 1,510 hours, which is unchanged from FY 2018. This estimate, also referred to as the productive hours assumption, reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This estimate therefore excludes hours charged to annual leave, sick leave, holidays, training, and general administration tasks. Table II shows the professional hourly rate calculation methodology. The FY 2018 amounts are provided for comparison purposes.

[1] For each table, numbers may not add due to rounding.

[2] The adjustment to the NRC's fee recovery amount associated with the USAID rescission is shown in Table 1. Because the USAID rescission amount was approximately $0.1 million in FY 2018, the proportion of the USAID rescission applicable to each fee class is not shown in the accompanying tables for each fee class. In FY 2019, USAID was not included as part of the appropriation.

TABLE II—PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

	FY 2018 final rule	FY 2019 final rule	Percentage change
Mission-Direct Program Salaries & Benefits	$325.7	$334.7	2.8
Mission-Indirect Program Support	$135.0	$120.6	−10.7
Agency Support (Corporate Support and the IG)	$308.1	$304.5	−1.2
Subtotal	$768.8	$759.8	−1.2
Less Offsetting Receipts [3]	−$0.0	−$0.0	0.0
Total Budgeted Resources Included in Professional Hourly Rate	$768.8	$759.8	−1.2
Mission-Direct FTE (Whole numbers)	1,851	1,810	−2.2
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,510	1,510	0.0
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours) (In Millions)	2,795,010	2,733,100	−2.2
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	$275	$278	1.1

FY 2019 Fee Collection—Flat Application Fee Changes

The NRC is amending the flat application fees that it charges to applicants for materials licenses and other regulatory services, and holders of materials licenses in its schedule of fees in §§ 170.21 and 170.31 to reflect the revised professional hourly rate of $278. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the professional hourly rate for FY 2019. The NRC analyzes the actual hours spent performing licensing actions and then estimates the average professional staff hours that are needed to process licensing actions as part of its biennial review of fees, which is required by Section 205(a) of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(a)(8)). The NRC performed this review in FY 2019 and will perform this review again in FY 2021. The biennial review adjustments and the higher professional hourly rate of $278 are the primary reasons for the increase in application fees. Please see the work papers for more detail.

The NRC rounds these flat fees in such a way that ensures both convenience for its stakeholders and that any rounding effects are minimal. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The licensing flat fees are applicable for certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Because the enacted budget excludes international activities from the fee-recoverable budget, import and export licensing actions, wholly funded through the international activities product line, (see fee categories K.1. through K.5. of § 170.21 and fee categories 15.A. through 15.R. of § 170.31) will not be charged flat fees under the final rule. Applications filed on or after the effective date of the FY 2019 final fee rule will be subject to the revised fees in the final rule.

FY 2019 Fee Collection—Fee-Relief and Low-Level Waste (LLW) Surcharge

As previously noted, OBRA–90 requires the NRC to recover approximately 90 percent of its annual budget authority for the fiscal year. The NRC applies the remaining 10 percent that is not recovered to offset certain budgeted activities—see Table III for a full listing of these ''fee-relief'' activities. If the amount budgeted for these fee-relief activities is greater or less than 10 percent of the NRC's annual budget authority (less the fee-recovery exclusions), then the NRC applies a fee adjustment (either an increase or decrease) to all licensees' annual fees, based on their percentage share of the NRC's budget.

In FY 2019, the amount budgeted for fee-relief activities is more than the 10 percent threshold. Therefore, the NRC is assessing a fee-relief surcharge that increases all licensees' annual fees based on their percentage share of the budget. Table III summarizes the fee-relief activities budgeted for FY 2019. The FY 2018 amounts are provided for comparison purposes.

TABLE III—FEE-RELIEF ACTIVITIES

[Dollars in millions]

Fee-relief activities	FY 2018 budgeted resources final rule	FY 2019 budgeted resources final rule	Percentage change
1. Activities not attributable to an existing NRC licensee or class of licensees:			
a. Agreement State oversight	$13.5	$11.5	−14.5
b. Scholarships and Fellowships	15.0	15.0	0.0

[3] The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity fees (financial protection required of all licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 professional hourly rate, per the guidance in the Office of Management and Budget (OMB) Circular A–25, *User Charges.* The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research & Test Reactors products within the Operating Reactors business line.

TABLE III—FEE-RELIEF ACTIVITIES—Continued

[Dollars in millions]

Fee-relief activities	FY 2018 budgeted resources final rule	FY 2019 budgeted resources final rule	Percentage change
c. Medical Isotope Production Infrastructure	3.9	5.4	38.5
2. Activities not assessed under 10 CFR part 170 service fees or 10 CFR part 171 annual fees based on existing law or Commission policy:			
a. Fee exemption for nonprofit educational institutions	8.7	9.1	4.5
b. Costs not recovered from small entities under 10 CFR 171.16(c)	6.6	8.0	21.6
c. Regulatory support to Agreement States	17.4	14.7	−15.4
d. Generic decommissioning/reclamation (not related to the power reactor and spent fuel storage fee classes)	14.5	12.9	−11.0
e. Uranium recovery program and unregistered general licensees	1.5	7.2	380.0
f. Potential Department of Defense remediation program Memorandum of Understanding activities	1.2	2.1	78.8
g. Non-military radium sites	1.7	1.1	−33.5
Total fee-relief activities	83.9	87.0	3.7
Less 10 percent of the NRC's total FY budget (less the fee recovery exclusions)	−87.8	−86.8	−1.2
Fee-Relief Adjustment to be Allocated to All Licensees' Annual Fees	$−3.9	$0.3	106.4

Table IV shows how the NRC allocates the $0.3 million fee-relief surcharge to each licensee fee class. Due to the transition of Wyoming to Agreement State status, the NRC is expanding the existing fee relief category, ''*In situ leach rulemaking and unregistered general licensees*,'' to include additional uranium recovery program budgeted resources. This ensures the equitability and stability of annual fees for the uranium recovery fee class by recognizing that the majority of uranium recovery licensees are now in Agreement States.

In addition to the fee-relief surcharge, the NRC also assesses a generic LLW surcharge of $3.8 million. Disposal of LLW occurs at commercially operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. Four existing LLW disposal facilities in the United States accept various types of LLW. All are located in Agreement States and, therefore, are regulated by an Agreement State, rather than the NRC. The NRC allocates this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System. This database contains information on total LLW volumes and NRC usage information from four generator classes: Academic, industrial, medical, and utility. The ratio of utility waste volumes to total LLW volumes over a period of time is used to estimate the portion of this surcharge that will be allocated to the power reactors, fuel facilities, and materials fee classes. The materials portion is adjusted to account for the fact that a large percentage of materials licensees are licensed by the Agreement States rather than the NRC.

The LLW surcharge amounts have changed since the proposed rule. After the NRC published the proposed rule for public comment, DOE updated the Manifest Information Management System with 2019 data. As a result of the update, the LLW surcharge for operating power reactors fee class increased from $2.8 million to $3.2 million. For Fuel Facilities and Material Users, it decreased from $0.8 million to $0.5 million and from $0.2 million to $0.1 million, respectively. Additional details about these changes to the LLW surcharge resulting from DOE's update to the Manifest Information Management System can be found in Section IV of this document.

Table IV shows the LLW surcharge and fee-relief surcharge, and its allocation across the various fee classes.

TABLE IV—ALLOCATION OF FEE-RELIEF ADJUSTMENT AND LLW SURCHARGE, FY 2019

[Dollars in millions]

	LLW surcharge		Fee-relief adjustment		Total
	Percent	$	Percent	$	$
Operating Power Reactors	84.0	3.189	86.7	0.220	3.409
Spent Fuel Storage/Reactor Decommissioning	0.0	0.0	4.7	0.012	0.012
Research and Test Reactors	0.0	0.0	0.1	0.000	0.000
Fuel Facilities	12.7	0.482	4.0	0.010	0.492
Materials Users	3.3	0.125	3.8	0.010	0.135
Transportation	0.0	0.0	0.6	0.002	0.002
Rare Earth Facilities	0.0	0.0	0.0	0.0	0.0
Uranium Recovery	0.0	0.0	0.1	0.0	0.0
Total	100.0	3.797	100.0	0.254	4.051

FY 2019 Fee Collection—Revised Annual Fees

In accordance with SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005 (ADAMS Accession No. ML052580332), the NRC rebaselines its annual fees every year. ''Rebaselining'' entails analyzing the budget in detail and then allocating the budgeted costs to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC revised its annual fees in §§ 171.15 and 171.16 to recover approximately 90 percent of the NRC's FY 2019 budget authority (less the fee-recovery exclusions and the estimated amount to be recovered through 10 CFR part 170 fees). The total estimated 10 CFR part 170 collections for this final rule are $252.1 million, a decrease of $28.7 million from the FY 2018 fee rule. The NRC, therefore, must recover $530.5 million through annual fees from its licensees, which is an increase of $22.0 million from the FY 2018 final rule.

Table V shows the final rebaselined fees for FY 2019 for a representative list of license categories. The FY 2018 amounts are provided by each fee class for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES

[Actual dollars]

Class/category of licenses	FY 2018 final annual fee	FY 2019 final annual fee	Percentage change
Operating Power Reactors	$4,333,000	$4,669,000	7.8
+ Spent Fuel Storage/Reactor Decommissioning	198,000	152,000	−23.2
Total, Combined Fee	4,531,000	4,821,000	6.4
Spent Fuel Storage/Reactor Decommissioning	198,000	152,000	−23.2
Research and Test Reactors (Non-power Reactors)	81,300	82,400	1.4
High Enriched Uranium Fuel Facility	7,346,000	6,675,000	−9.1
Low Enriched Uranium Fuel Facility	2,661,000	2,262,000	−15.0
UF_6 Conversion and Deconversion Facility	1,517,000	1,417,000	−6.6
Basic *In Situ* Recovery Facilities (Category 2.A.(2)(b))	49,200	49,200	0.0
Typical Users:			
Radiographers (Category 3O)	25,000	30,200	20.8
Well Loggers (Category 5A)	14,900	14,600	−2.0
All Other Specific Byproduct Material Licensees (Category 3P)	8,600	10,000	16.3
Broad Scope Medical (Category 7B)	30,900	31,600	2.3

The work papers that support this final rule show in detail how the NRC allocates the budgeted resources for each class of licensees and calculates the fees. Paragraphs a. through h. of this section describe budgeted resources allocated to each class of license and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the work papers for this final rule.

a. Operating Power Reactors

The NRC will collect $457.6 million in annual fees from the power reactor fee class in FY 2019, as shown in Table VI. The FY 2018 fees and percentage change are shown for comparison purposes.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total budgeted resources	$669.9	$670.2	0.0
Less estimated 10 CFR part 170 receipts	−239.6	−217.7	−9.1
Net 10 CFR part 171 resources	430.4	452.5	5.1
Allocated generic transportation	0.3	0.2	−7.7
Fee-relief adjustment/LLW surcharge	−0.8	3.4	542.8
Billing adjustment	−0.9	1.5	273.3
Total required annual fee recovery	428.9	457.6	6.7
Total operating reactors	99	98	−1.0
Annual fee per reactor	$4.333	$4.669	7.8

In comparison to FY 2018, the operating power reactors budgeted resources increased minimally in FY 2019. But estimated billings under 10 CFR part 170 declined primarily due to decreases in both licensing actions and inspections resulting from the shutdown of the Oyster Creek reactor at the end of FY 2018, the planned shutdown of Pilgrim and Three Mile Island reactors during FY 2019, and the completion of the APR1400 design certification for Korea Hydro and Nuclear Power Co., LTD. These decreases in the estimated billings under 10 CFR part 170 are offset slightly to reflect an increase in risk-informed licensing reviews.

The recoverable budgeted costs are divided equally among the 98 licensed power reactors, resulting in an annual fee of $4,669,000 per reactor. Additionally, each licensed power reactor is assessed the FY 2019 spent

fuel storage/reactor decommissioning annual fee of $152,000 (see Table VII and the discussion that follows). The combined FY 2019 annual fee for power reactors is, therefore, $4,821,000.

On May 24, 2016, the NRC amended its licensing, inspection, and annual fee regulations to establish a variable annual fee structure for light-water small modular reactors (SMRs). Under the variable annual fee structure, effective June 23, 2016, an SMR's annual fee would be calculated as a function of its licensed thermal power rating. Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2019 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC will collect $18.6 million in annual fees from 10 CFR part 50 power reactors, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license, to collect the budgeted costs for the spent fuel storage/reactor decommissioning fee class as shown in Table VII. The FY 2018 values are shown for comparison purposes.

TABLE VII—ANNUAL FEE SUMMARY CALCULATIONS FOR SPENT FUEL STORAGE/REACTOR DECOMMISSIONING

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total budgeted resources	$33.8	$35.6	5.3
Less estimated 10 CFR part 170 receipts	−10.2	−17.8	75.3
Net 10 CFR part 171 resources	23.7	17.8	−24.7
Allocated generic transportation costs	0.7	0.7	−9.2
Fee-relief adjustment	−0.2	0.0	107.0
Billing adjustments	0.0	0.1	299.2
Total required annual fee recovery	24.2	18.6	−23.2
Total spent fuel storage facilities	122	122	0.0
Annual fee per facility	0.198	0.152	−23.2

Compared to FY 2018, the FY 2019 budgeted resources for spent fuel storage/reactor decommissioning increased due to: (1) An increase in the number of financial reviews and licensing actions associated with operating power reactors undergoing decommissioning, (2) the ongoing licensing reviews for two consolidated interim storage facility license applications including the development of environmental impact statements, and (3) the independent spent fuel storage installation license renewal for Three Mile Island-2, Trojan, and Rancho Seco and the associated environmental assessments.

The 10 CFR part 170 estimated billings for FY 2019 increased due to: (1) Resuming licensing work on Interim Storage Partner's (previously named Waste Control Specialists) consolidated interim storage facility application, (2) increasing work on Holtec International's consolidated interim storage facility application, and (3) an increased workload for reactors in decommissioning.

The annual fee decreased due to rising 10 CFR part 170 estimated billings. The required annual fee recovery amount is divided equally among 122 licensees, resulting in a FY 2019 annual fee of $152,000 per licensee.

c. Fuel Facilities

The NRC will collect $24.5 million in annual fees from the fuel facilities class. The FY 2018 values are shown for comparison purposes.

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total budgeted resources	$35.2	$30.0	−14.8
Less estimated 10 CFR part 170 receipts	−9.2	−7.3	−21.5
Net 10 CFR part 171 resources	26.0	22.7	−12.4
Allocated generic transportation	1.3	1.2	−9.3
Fee-relief adjustment/LLW surcharge	0.5	0.5	−3.4
Billing adjustments	0.0	0.1	237.0
Total remaining required annual fee recovery[4]	27.7	24.5	−11.7

In comparison to FY 2018, the fuel facilities budgeted resources decreased in FY 2019, primarily due to the anticipated completion of work associated with the Cyber Security Rulemaking and additional efficiencies to align resources with a smaller projected workload.

The estimated 10 CFR part 170 billings decreased in FY 2019 as a result of the expected termination of the CB&I AREVA MOX Fuel Fabrication facility construction authorization and license application withdrawal, and the expected completion of Honeywell's license renewal while plant operations are idle, offset by increased work for Westinghouse associated with an

[4] See Table X for percentage change for each fee category.

emergency preparedness exercise, its license renewal, and increased work for conducting the Nuclear Fuel Services force-on-force exercise.

The NRC will continue allocating annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes conducted at licensed sites and assigns effort factors for the safety and safeguards activities associated with each process (these effort levels are reflected in Table IX). The annual fees are then distributed across the fee class based on the regulatory effort assigned by the matrix. The effort factors in the matrix represent non-billable, regulatory effort (*e.g.,* rulemaking, guidance, etc.). Billable regulatory effort, such as the number of inspections, is not applicable to the effort factor. In FY 2019, the safety factor in the effort factors matrix for Uranium Hexafluoride (UF6)/Metal processes at Uranium Enrichment facilities has been reduced from 10 (high effort) to 5 (moderate effort) for this process at enrichment facilities. Enrichment facilities receive natural uranium as feed material and produce a low enriched uranium (LEU) product. Enrichment facilities are not authorized to produce high enriched uranium (HEU). Therefore, enrichment facilities are more like LEU fuel fabrication facilities than HEU fuel fabrication facilities in terms of level of impact to non-billable regulatory effort (*e.g.,* rulemaking, guidance, etc.) in the area of Solid UF6/Metal process. In addition, the non-billable effort is more aligned to the moderate effort for facilities fabricating low enriched fuel than the high effort for facilities fabricating high enriched fuel. This is because the regulations and guidance for criticality safety, physical protection, and material control and accounting are more extensive for HEU than LEU or natural uranium, and the regulations and guidance for physical protection and material control and accounting are more extensive for HEU than LEU or natural uranium.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2019

Facility type (fee category)	Number of facilities	Effort factors	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	88	91
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70	21
Limited Operations (1.A.(2)(a))	0	0	0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	0	0	0
Hot Cell (and others) (1.A.(2)(c))	0	0	0
Uranium Enrichment (1.E.)	1	16	23
UF_6 Conversion and Deconversion (2.A.(1))	1	12	7

In FY 2019, the total remaining required annual fee recovery amount of $24.5 million is comprised of safety activities, safeguards activities, and the fee-relief adjustment/LLW surcharge. For FY 2019, the total budgeted resources to be recovered as annual fees for safety activities are $13.6 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percent of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources to be recovered as annual fees for safeguards activities, $10.4 million, to each fee category based on its percent of the total regulatory effort for safeguards activities. Finally, the fuel facilities fee class portion of the fee-relief adjustment/LLW surcharge—$0.5 million—is allocated to each fee category based on its percentage of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category. The fee for each facility is summarized in Table X.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

Facility type (fee category)	FY 2018 final annual fee	FY 2019 final annual fee	Percentage change
High-Enriched Uranium Fuel (1.A.(1)(a))	$7,346,000	$6,675,000	−9.1
Low-Enriched Uranium Fuel (1.A.(1)(b))	2,661,000	2,262,000	−15.0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	N/A	N/A	N/A
Hot Cell (and others) (1.A.(2)(c))	N/A	N/A	N/A
Uranium Enrichment (1.E.)	3,513,000	2,909,000	−17.2
UF_6 Conversion and Deconversion (2.A.(1))	1,517,000	1,417,000	−6.6

d. Uranium Recovery Facilities

The NRC will collect $0.2 million in annual fees from the uranium recovery facilities fee class, a decrease of 65.2 percent from FY 2018. The FY 2018 values are shown for comparison purposes.

TABLE XI—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total budgeted resources	$13.5	$1.0	−92.6
Less estimated 10 CFR part 170 receipts	−12.9	−0.8	−93.6
Net 10 CFR part 171 resources	0.6	0.2	−71.0
Allocated generic transportation	N/A	N/A	N/A
Fee-relief adjustment	−0.1	0.0	100.5
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	$0.5	$0.2	−65.2

In comparison to FY 2018, the FY 2019 budgeted resources for uranium recovery licensees decreased due to the transition of Wyoming to Agreement State status and subsequent realignment of the Uranium Mill Tailings Radiation Control Act (UMTRCA) program. In addition, budgeted resources decreased as a result of expanding the existing fee-relief category, ''*In Situ* leach rulemaking and unregistered general licenses'' to include additional Uranium Recovery activities in order to ensure equitability and the stability of annual fees.

The NRC regulates DOE's Title I and Title II activities under UMTRCA [5] and the annual fee assessed to DOE includes the costs specifically budgeted for the NRC's UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted costs for this fee class. The DOE's UMTRCA annual fee decreased slightly due to the budgeted resources reduction and an increase in estimated 10 CFR part 170 billings at various DOE UMTRCA sites. The NRC assesses the remaining 90 percent of its budgeted costs to the remaining licensee in this fee class, as described in the work papers. This is reflected in Table XII as follows:

TABLE XII—COSTS RECOVERED THROUGH ANNUAL FEES; URANIUM RECOVERY FEE CLASS

[Actual dollars]

Summary of costs	FY 2018 final annual fee	FY 2019 final annual fee	Percentage change
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses:			
UMTRCA Title I and Title II budgeted costs less 10 CFR part 170 receipts	$80,921	$115,888	43.2
10 percent of generic/other uranium recovery budgeted costs	47,723	5,431	−88.6
10 percent of uranium recovery fee-relief adjustment	−6,724	33	100.5
Total Annual Fee Amount for DOE (rounded)	122,000	121,000	−0.8
Annual Fee Amount for Other Uranium Recovery Licenses:			
90 percent of generic/other uranium recovery budgeted costs less the amounts specifically budgeted for UMTRCA Title I and Title II activities	429,509	48,880	−88.6
90 percent of uranium recovery fee-relief adjustment	−60,517	294	104.5
Total Annual Fee Amount for Other Uranium Recovery Licenses	$368,992	$49,173	−86.7

Further, for the non-DOE licensees, the NRC continues to use a matrix to determine the level of effort associated with conducting the generic regulatory actions for the different licensees in this fee class; this is similar to the NRC's approach for fuel facilities, described previously.

The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: Conventional uranium mills and heap leach facilities; uranium *In Situ* Recovery (ISR) and resin ISR facilities; mill tailings disposal facilities; and uranium water treatment facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (for more information, see the work papers). Currently, there is only one remaining non-DOE licensee which is a Basic *In Situ* Recovery facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category:

[5] The Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for the weapons program. The NRC also regulates DOE's UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee category	Number of licensees	Benefit factor per licensee	Total value	Benefit factor percent total
Conventional and Heap Leach mills (2.A.(2)(a))	0	0	0	0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	1	190	190	100.0
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	0	0	0	0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0	0	0	0
Total	1	190	190	100.0

The annual fee for the remaining non-DOE licensee is calculated by allocating 100 percent of the budgeted resources, as summarized in Table XIV.

TABLE XIV—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES

(Other than DOE)

[Actual dollars]

Facility type (fee category)	FY 2018 final annual fee	FY 2019 final annual fee	Percentage change
Conventional and Heap Leach mills (2.A.(2)(a))	$38,800	N/A	100.0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	49,200	49,200	0.0
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	55,700	N/A	−100.0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	22,000	N/A	−100.0
Uranium water treatment (2.A.(5))	6,500	N/A	−100.0

e. Research and Test Reactors (Non-Power Reactors)

The NRC will collect $0.329 million in annual fees from the research and test reactor fee class. The FY 2018 values are shown for comparison purposes.

TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR RESEARCH AND TEST REACTORS

[Actual dollars]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total budgeted resources	$2,008,986	$834,280	−58.5
Less estimated 10 CFR part 170 receipts	−1,698,000	−538,000	−68.3
Net 10 CFR part 171 resources	310,986	296,280	−4.7
Allocated generic transportation	27,249	30,971	14.7
Fee-relief adjustment	−10,176	284	103.1
Billing adjustments	−2,585	1,901	163.4
Total required annual fee recovery	325,317	329,436	1.4
Total research and test reactors	4	4	0.0
Total annual fee per reactor	$81,300	$82,400	1.4

For this fee class, the budgeted resources decreased due to projected application delays within the medical isotope production facilities for SHINE Medical Technologies, Inc. and Northwest Medical Isotopes, LLC. The 10 CFR part 170 estimated billings also decreased due to projected operating license application delays within the medical isotope production facilities for SHINE Medical Technologies, Inc. and Northwest Medical Isotopes, LLC, and due to December 2018 request from Aerotest Operations, Inc. to withdraw the license renewal application.

The required annual fee-recovery amount is divided equally among the four research and test reactors subject to annual fees and results in an FY 2019 annual fee of $82,400 for each licensee.

f. Rare Earth

The NRC has not allocated any budgeted resources to this fee class; therefore, the NRC is not issuing an annual fee for this fee class in FY 2019.

g. Materials Users

The NRC will collect $36.4 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70. The FY 2018 values are shown for comparison purposes.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total budgeted resources for licensees not regulated by Agreement States	$32.1	$36.0	12.4
Less estimated 10 CFR part 170 receipts	−0.9	−1.1	11.7
Net 10 CFR part 171 resources	31.1	35.0	12.4
Allocated generic transportation	1.3	1.2	−9.1
Fee-relief adjustment/LLW surcharge	0.0	0.1	237.2
Billing adjustments	0.0	0.1	314.2
Total required annual fee recovery	32.4	36.4	12.1

The annual fee for these categories of materials users' licenses is developed as follows: Annual Fee = Constant × [Application Fee + (Average Inspection Cost/Inspection Priority)] + Inspection Multiplier × (Average Inspection Cost/Inspection Priority) + Unique Category Costs. The total annual fee recovery of $36.4 million for FY 2019 shown in Table XVI consists of the following: $28.5 million for general costs, $7.5 million for inspection costs, $0.2 million for unique costs for medical licenses and $0.1 million for fee relief/LLW costs. To equitably and fairly allocate the $36.4 million required to be collected among approximately 2,600 diverse materials users' licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the materials license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse fee categories. This fee-calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

The NRC is increasing and decreasing annual fees for licensees in this fee class in FY 2019 due to the results of the biennial review of fees and the realignment of licensing resources that supports the materials users fee class, which in previous years, were allocated primarily to agreement state fee relief activities. In the past, these resources had been allocated to primarily to agreement state fee-relief activities; however, upon a holistic review of the materials program, it was determined that these resources support the materials users fee class and not agreement state fee-relief activities. The biennial review of fees analysis examines the actual hours spent in previous years performing licensing actions and then estimates the average professional staff hours that are needed to process similar licensing actions multiplied by the professional hourly rate for FY 2019.

The constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of $28.5 million. To derive the constant multiplier, the general cost amount is divided by the product of all fee categories (application fee plus the inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in a constant multiplier of 1.32 for FY 2019. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of $278. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established in order to recover the $7.5 million in inspection costs. To derive the inspection multiplier, the inspection costs amount is divided by the product of all fee categories (inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in an inspection multiplier of 1.44 for FY 2019. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. For FY 2019, unique category costs include approximately $0.2 million in budgeted costs for the implementation of revised 10 CFR part 35, ''Medical Use of Byproduct Material,'' which has been allocated to holders of NRC human-use licenses. Please see the work papers for more detail about this classification.

The annual fee assessed to each licensee also includes a share of the approximately $0.010 million fee-relief surcharge assessment allocated to the materials users fee class (see Table IV, ''Allocation of Fee-Relief Adjustment and LLW Surcharge, FY 2019,'' in Section IV, ''Discussion,'' of this document), and for certain categories of these licensees, a share of the approximately $0.125 million LLW surcharge costs allocated to the fee class. The annual fee for each fee category is shown in the revision to § 171.16(d).

h. Transportation

The NRC will collect $1.0 million in annual fees to recover generic transportation budgeted resources. The FY 2018 values are shown for comparison purposes.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Total Budgeted Resources	$7.9	$8.0	2.1
Less Estimated 10 CFR part 170 Receipts	−3.1	−3.7	18.4
Net 10 CFR part 171 Resources	4.7	4.3	−9.0
Less Generic Transportation Resources	−3.6	−3.3	−9.0
Fee-relief adjustment/LLW surcharge	0.0	0.0	0.0

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION—Continued

[Dollars in millions]

Summary fee calculations	FY 2018 final	FY 2019 final	Percentage change
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	1.1	1.0	−5.3

In comparison to FY 2018, the total budgeted resources for FY 2019 for generic transportation activities increased slightly for IT infrastructure activities. The increase in budgetary resources was offset by an increase in estimated 10 CFR part 170 billings primarily due to an increase in casework for Daher Nuclear Technologies and Holtec International.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30721; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE by including those costs in the annual fees for licensee fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A. for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total Certificates of Compliance (CoCs) used by each fee class (and DOE) by the total generic transportation resources to be recovered.

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Note that for the research and test reactors fee class, the NRC allocates the distribution to only those licensees that are subject to annual fees. Although four CoCs benefit the entire research and test reactor class, only 4 out of 31 research and test reactors are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to research and test reactors annual fees has been adjusted to 0.7 so the research and test reactors subject to annual fees are charged a fair and equitable portion of the total. For more information, see the work papers.

TABLE XVIII—DISTRIBUTION OF TRANSPORTATION RESOURCES, FY 2018

[Dollars in millions]

Licensee fee class/DOE	Number of CoCs benefiting fee Class or DOE	Percentage of total CoCs	Allocated generic transportation resources
Materials Users	25.0	27.9	$1.2
Operating Power Reactors	5.0	5.6	0.2
Spent Fuel Storage/Reactor Decommissioning	14.0	15.6	0.7
Research and Test Reactors	0.7	0.7	0.0
Fuel Facilities	24.0	26.8	1.2
Sub-Total of Generic Transportation Resources	68.7	76.6	3.3
DOE	21.0	23.4	1.0
Total	89.7	100.0	$4.3

The NRC assesses an annual fee to DOE based on the 10 CFR part 71 CoCs it holds. The NRC, therefore, does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2019—Policy Changes

The NRC is making two policy changes for FY 2019:

Changes to Small Materials Users Fee Categories for Locations of Use

The NRC is adding one new fee subcategory under § 170.31, ''Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses,'' and § 171.16, ''Annual fees: materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.'' Generally speaking, § 170.31 assigns the same fee to each licensee in the fee category, regardless of the amount of locations that the licensee is authorized to use. Yet for some of these fee categories, the NRC determined that it spends a disproportionate amount of time on licensees with six or more locations compared to licensees in the same fee category with fewer than six locations. Previously—in the FY 2015 final fee rule (80 FR 37432; June 30, 2015)—the NRC therefore added three fee subcategories under one fee category, 3.L. (research and development broad scope). And in the FY 2018 final fee rule (83 FR 29622; June 25, 2018), the NRC added 14 fee subcategories under, 3.A., 3.B., 3.C., 3.O., 3.P., 7.A. and 7.B. for licenses with six or more locations of use. For the FY 2019 fee rule, the NRC determined that there is one more category of licenses that is affected. Accordingly, the NRC is adding subcategories to this fee category:

- Medical licenses under fee category 7.C.

To more accurately reflect the cost of services provided by the NRC, this change results in this fee category having subcategories for 1–5, 6–20, and more than 20 locations of use. Program codes have also been added to the new subcategories in this final rule.

Eliminate a Fee Category

In response to comments received on the FY 2018 proposed fee rule, and PRM–170–7, the NRC is eliminating a fee category under §§ 170.31 and 171.16. The fee category is 2.A.(5)—Licenses that authorize the possession of source

material related to removal of contaminants (source material) from drinking water.

Under current NRC regulations, an entity that removes uranium from drinking water at community water systems is viewed as a ''2.A.(5) fee category'' licensee for fee purposes.

Although the licensee recovers sufficient quantities of uranium to require an NRC license (or a license from an Agreement State), its licensed material is not sold for profit; rather, the licensed material is a waste product from its water treatment process. These types of ''uranium recovery'' licensees are therefore distinguishable from those licensees that profit from concentrating uranium as source material. The NRC believes that full cost recovery is not warranted for licensees that do not profit from concentrating uranium. Therefore, the NRC is eliminating this fee category from §§ 170.31 and 171.16 and reclassifying current and future licensees under this category to 2.F.—All other source material licenses.

FY 2019—Administrative Changes

The NRC is making one administrative change and a technical correction in this final rule:

Change Small Entity Fees

As stated in SECY–08–0174, ''Fiscal Year 2009 Proposed Fee Rule and Advance Rulemaking for Grid-Appropriate Reactor Fees,'' dated November 7, 2008 (ADAMS Accession No. ML083120518), the NRC determined that the maximum small entity fee should be adjusted each biennial year using a fixed percentage of 39 percent applied to the prior 2-year weighted average of materials users' fees for all fee categories which have small entity licensees. The 39 percent was based on the small entity annual fee for 2005, which was the first year the NRC was required to recover only 90 percent of its budget authority. This methodology remains in place; however, the NRC does also consider whether or not implementing an increase will have a disproportionate impact on the NRC's small licensees when compared to other licensees. Therefore, the increase for the upper and lower tier fees were capped at a 21 percent increase.

In accordance with NRC policy, in FY 2019 the NRC conducted a biennial review of small entity fees to determine whether the NRC should change those fees. The NRC used the fee methodology, developed in FY 2009, which applies a fixed percentage of 39 percent to the prior 2-year weighted average of materials users' fees when performing its biennial review. Based on this methodology, the NRC determined the new small entity fees for FY 2019 would be $4,500 for upper-tier small entities and $900 for lower-tier small entities. As a result of the NRC's FY 2019 biennial review using the same methodology, the NRC is increasing the upper tier small entity fee from $4,100 to $4,500 and increasing the lower-tier fee from $850 to $900. This would constitute a 13-percent and 6-percent increase, respectively. The NRC believes these fees are reasonable and provide relief to small entities while at the same time recovering from those licensees some of the NRC's costs for activities that benefit them.

Technical Correction

The NRC is making a technical correction to two cross-references in 10 CFR part 171.15(a) and (f). Currently, 10 CFR 171.15(a) and (f) reference 10 CFR 171.11(a). Both 10 CFR part 171.15(a) and (f) should reference 10 CFR part 171.11(b) instead of § 171.11(a).

Update to the Fees Transformation Initiative

As an informational update, the Staff Requirements Memorandum, dated October 19, 2016, (ADAMS Accession No. ML16293A902) for SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' (ADAMS Accession No. ML16194A365) directed staff to explore, as a voluntary pilot, whether a flat fee structure could be established for routine licensing matters in the area of uranium recovery, and to accelerate the fees setting process improvements including the transition to an electronic billing system. With respect to the voluntary flat fees pilot, the NRC staff has developed a project plan and is on target to complete this activity. With respect to the fees setting process improvements, all seven of the activities scheduled for FY 2018, and an additional 10 scheduled for FY 2019, were completed by the end of FY 2018. These improvements included discontinuing the Project Manager/Resident Inspector 6 percent overhead charge, enhancing the information included on the 10 CFR part 170 invoices, improving the fee rule work papers, and enhancing the financial management systems. In FY 2019, two additional activities have been evaluated and completed for the project manager to provide details of contract costs listed on the invoice, on request, and one site per license.

For the remaining process changes recommended for future consideration, the NRC is well-positioned to complete them on schedule. For more information, please see the fees transformation accomplishments schedule, located on our license fees website at: *https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html.*

III. Petition for Rulemaking (PRM–170–7; NRC–2018–0172)

The NRC welcomed general comments on the proposed rule; in addition, the NRC requested public comment on the issues raised in a petition for rulemaking (ADAMS Accession No. ML18214A757), dated July 3, 2018, which was submitted to the NRC by Christopher S. Pugsley, Esq. (the petitioner), on behalf of Water Remediation Technology (WRT), LLC. The petitioner requested that the NRC amend its regulations regarding full cost recovery of licensee fees. The petition was docketed by the NRC on August 2, 2018, and was assigned Docket No. PRM–170–7. The NRC published a notice of docketing in the **Federal Register** on November 2, 2018 (83 FR 55113), but did not request public comment at that time.

The petitioner requested that the NRC amend its regulations to re-categorize WRT as a licensee that does not require full-cost recovery for fees billed to it during the life of its license under 10 CFR part 170. The petitioner also requested that the NRC address consistency issues between 10 CFR parts 170 and 171 for small entities and consider amending language under § 170.11 to extend the time within which a licensee may appeal the assessment of fees and apply for a fee exemption. The petitioner asked the NRC to consider these rule changes within the context of its rulemaking to amend 10 CFR parts 170 and 171 to collect FY 2019 fees. The NRC received one comment on the petition from the petitioner regarding the NRC's consideration of the petition. The NRC will publish a subsequent notice in the **Federal Register** to resolve all of the issues raised by the petitioner. See the FY 2019 Policy Change section of this document for additional information regarding the elimination of fee category 2.A.5.

IV. Public Comment Analysis

Overview of Public Comments

The NRC received 14 written comment submissions on the proposed rule. A comment submission for the purpose of this rule is defined as a written communication or document submitted to the NRC by an individual or entity, with one or more distinct comments addressing a subject or an issue. A comment, on the other hand,

refers to a statement made in the submission addressing a subject or issue. In general, the commenters were supportive of the specific proposed regulatory changes, although most commenters expressed concerns about broader fee-policy issues related to transparency, fairness, and overall size of the budget.

The commenters are listed in Table XIX.

TABLE XIX—FY 2019 PROPOSED FEE RULE COMMENTER SUBMISSIONS

Commenter	Affiliation	ADAMS accession No.
Anonymous	Unknown	ML19036A910
Douglas Weaver	Westinghouse Electric Company (WEC)	ML19056A578
Roger Wink	Ameren Missouri/Callaway Plant (Ameren)	ML19056A577
Doug True	Nuclear Energy Institute (NEI)	ML19059A252
Bradley Fewell	Exelon Generation Company, LLC (Exelon)	ML19059A253
Paul Kerl	U.S. Department of Energy (DOE)	ML19063B521
Justin Wheat	Southern Nuclear Operating Company (SNC)	ML19063B584
David Ward	BWXT Nuclear Operations Group, Inc. (BWXT)	ML19063B584
Robin Ritzman	FirstEnergy Nuclear Operating Company (FENOC)	ML19063B739
Stephen Cowne	Louisiana Energy Services, LLC, dba URENCO USA (URENCO)	ML19064B074
Michael Dimitriou	Water Remediation Technology LLC (WRT)	ML19064B346
Anonymous	Unknown	ML19064B309
Matthew Ostdiek	Rendezvous Engineering, P.C. (RE)	ML19070A318
Richard J. Freudenberger	Nuclear Fuel Services Inc. (NFS)	ML19071A010

Information about obtaining the complete text of the comment submissions is available in Section XIV, ''Availability of Documents,'' of this document.

V. Public Comments and NRC Responses

The NRC has carefully considered the public comments received on the proposed rule. The comments have been organized by topic. Comments from multiple commenters raising similar specific concerns were combined to capture the common essential issues raised by the commenters. Comments from a single commenter have been quoted to ensure accuracy; brackets within those comments are used show changes that have been made to the quoted comments. The NRC responses are preceded by a short summary of the issues raised by the commenters.

A. Public Participation in Budget Formulation

Comment: The Congressional Budget Justification (CBJ) for FY 2019 provides only high-level information, and its description of activities intended to justify the budget request provides little information upon which a determination of sufficiency can be formed. In addition, the NRC should transform its process to support budget formulation discussions with industry directly during the development of the NRC budget justification since public meetings and discussions thus far have been reactive in nature, and to more accurately determine a necessary reactor fee partition. (NEI, Exelon)

Response: Two commenters expressed a desire for industry to be involved with the NRC directly during the development of the NRC's budget to better determine the sufficiency of the budget and to accurately determine the necessary reactor fee. The NRC disagrees with these comments. Because NRC is an independent safety regulator it would not be appropriate for stakeholders to be involved in the NRC's budget formulation. In addition, the U.S. Office of Management and Budget (OMB) establishes the Executive Branch budget process through OMB Circular No. A–11, ''Preparation, Submission, and Execution of the Budget.'' Section 22.1 of OMB Circular No. A–11 requires that pre-decisional budget deliberations remain confidential until the release of the President's Budget Request to Congress (the CBJ). However, the NRC seeks information on projected workload through public meetings and other forms of public outreach with licensees to better inform budget formulation workload assumptions.

No changes were made to the final rule as a result of these comments.

B. Budget Formulation

Comment: The cost of a corporate support FTE has increased by 20 percent over the past 2 years. This increase is significantly more than the rise in cost of other FTEs listed in the Work Papers. Provide an explanation for the increase in cost in the FY 2019 final fee rule or work papers. In addition, provide additional budget information to support the absence of more significant reductions in the corporate support budget and identify the actions being taken to reduce this business line, especially as the number of operating reactors is decreasing. (WEC, NEI)

Response: Regarding the two commenters assertion that the cost of a corporate support FTE has increased, the NRC agrees that the cost has risen because of adjusting the budgeted rate to closely align with the actual cost. As in other Federal agencies, the NRC's workforce is aging, and the associated benefit costs have increased accordingly, primarily with healthcare and pension benefits.

Regarding the assertion that the NRC should reduce its budget commensurate with the reduction in the number of operating reactors, the NRC agrees, but that reduction is not linearly proportional as there is a cost for the infrastructure that must be maintained independent of the number of operating facilities (*e.g.,* operating reactors and fuel facilities). These infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, for example, the cost for information management, information technology, security, facilities management, rent, utilities, financial management, acquisitions, human resources, and policy support.

The NRC continues to examine and pursue improvements to its processes and increases in efficiency that will allow it to meet its statutory responsibilities as the industry changes. The NRC continues to develop methods that would allow for more rapid adaptation to future needs and the size of the licensed community. The FY 2019 resources for agency support

reflect reductions in the corporate support portion of the budget. Going forward, the Nuclear Energy and Innovation Modernization Act (NEIMA) requires NRC to cap corporate support at 30 percent beginning in FY 2021 in the annual CBJ and to decrease to 28 percent in FY 2025 and beyond.

No change was made to the final rule in response to this comment.

Comment: ''Though Generic Homeland Security is excluded from the fee base, provide clarification on the basis for the Generic Homeland Security Product Line under the Operating Reactors and Fuel Facilities Business Lines and explain what activities are included.'' (NEI)

Response: One commenter requested information regarding generic homeland security activities. Generic homeland security includes activities that the NRC must conduct that do not apply to a specific facility. Within the operating reactors business line, these activities include intergovernmental coordination and integrated event response planning activities. Regarding fuel facilities, some licensed fuel facilities possess special nuclear material such as plutonium and enriched uranium. Those licensees verify and document their inventories and material transfers in the Nuclear Material Management and Safeguards System (NMMSS) database. Within the fuel facilities business line, these generic homeland security activities include interactions with the Nuclear Materials Information Program and the interagency agreement with DOE for the certification and accreditation of classified computer systems at enrichment facilities.

No changes were made to the final rule as a result of this comment.

C. Work Papers

Comment: Both the proposed rule and the work papers state that the operating power reactor annual fee increases. However, neither document provides any explanation for the reason the fee class is increasing. Instead, one must consult the FY 2019 CBJ to understand the purpose of the work (and even then, it remains at a fairly high level). The proposed rule and work papers show line items that appear to be clearly limited to a given entity, *e.g.,* ''Design Certification'' in the New Reactors Business Line, while others, *e.g.,* ''RIC'' or ''Systems Analysis Research'' in the Operating Reactors business line, are not clearly limited.

The commenter is requesting additional detail in the work papers to better understand which resources are to be recovered from 10 CFR part 170 user fees versus 10 CFR part 171 annual fees.

The commenters recommend that these additional details be added in the fee rule work papers and delineate the resources that are to be recovered from 10 CFR part 170 user fees versus 10 CFR part 171 annual fees by NRC to be specific or shared, enabling the applicable industry segment to engage the NRC. (Ameren, NEI, FENOC, SNC, Exelon)

Response: The commenter is requesting additional detail in the work papers to better understand which resources are to be recovered from 10 CFR part 170 user fees versus 10 CFR part 171 annual fees. The commenter is also requesting additional information on the large increase in information technology, including what types of items or activities are included in these line items, and whether the costs are proposed to be recovered via 10 CFR part 170 or 10 CFR part 171 fees. The NRC disagrees with the comment that the work papers need additional detail. Consistent with the requirements of OBRA–90, license fees are calculated based on the budget authority enacted for the current FY by business lines, product lines, and products. The NRC provides those business lines, product lines, and products in its work papers. Detailed information below the product level (*e.g.,* cost centers) is determined when the budget is executed. The work papers do not distinguish by specific budget line items which fees are recovered through user and annual fees because it is impractical for the NRC to determine in advance what precise percent of a given business line will be recovered through 10 CFR part 170 user fees versus 10 CFR part 171 annual fees.

Further, with respect to 10 CFR part 170 user fees, licensing and inspection actions are subject to change, depending on the novelty and complexity of the license application under review or the facility being inspected. Similarly, with respect to 10 CFR part 171 annual fees, the nature of the generic research, safety, environmental, or safeguards activities, may also vary considerably, given changes in Commission priorities, external events, interactions with Agreement States, other Federal agencies, state, local and tribal governments, the regulated industry, and members of the public. Including this information in the work papers for the fee rule, therefore, is likely to cause confusion.

In addition, the NRC notes that the CBJ includes a statement in each business line chapter to indicate which product lines impact fees for services versus annual fees. For all the business lines, except the nuclear materials users business line, generally resources budgeted in the Licensing and Oversight Product Lines impact fees for service, and all other resources impact annual fees. For the nuclear materials users business line, almost all budgeted resources impact annual fees. In addition, the NRC is proactively planning for the future implementation of NEIMA in FY 2021 and considering adding additional details within the CBJ, fee rule and subsequent work papers to further enhance transparency regarding which activities are recovered through 10 CFR part 170 user fees versus 10 CFR part 171 annual fees.

With regards to IT infrastructure activities, the NRC reclassified these resources as mission direct in the fee rule in order to align the fee rule calculations with the budget structure. These resources are now properly represented in the annual fee rule as mission-direct program costs rather than mission-indirect costs. Although this change appears as an increase, it was not an increase, but rather a shifting of the resources from mission-indirect resources to mission direct costs in the fee rule calculation.

No changes were made to the final rule as a result of these comments.

Comment: The work papers supporting the proposed rule lack a level of descriptive detail necessary to determine what actions, efforts and products are planned, and information on the specific indirect services that are covered under 10 CFR part 171 fees to allow stakeholders to see if the increase is a reflection of required generic services or something else. The NRC should supplement the work papers supporting future fee rules with additional detail on budgeted work activities, including a level of planned effort for each activity and how this plan compares with the prior year. In addition, information on other items that are proposed to experience large increases in funding (*e.g.,* Other Response Activities, Licensing Actions, and Licensing Support). Such detail would enable licensees to better evaluate and understand significant budget changes. (NEI, SNC, FENOC, Exelon)

Response: Consistent with prior years, license fees are based on the NRC's budget formulation structure hierarchy of business lines, product lines, and products. The commenter is correct that the work papers do not distinguish these activities based on whether these line items will be recovered through user or annual fees. However, distinguishing these activities would prove unduly burdensome for the NRC

to perform this type of analysis for every business line, product line, and product in its budget. The CBJ provides the agency explanation and justification for the resources being requested for the budget year, and the reason for changes in the agency budget request as compared to the prior year, at the business line and product line levels.

No changes were made to the final rule as a result of these comments.

Comment: ''Include a detailed summary of how actual expenditures have compared to budget for prior fiscal years. While the Work Papers includes information for fees collected in prior years, a breakdown of these fees by Business Line and Product Line would enable the NRC and stakeholders to identify areas for improvement and opportunities for efficiency.'' (Exelon Generation)

Response: Consistent with prior years, license fees are based on the NRC's budget formulation structure hierarchy of business lines, product lines, and products, not actual budget expenditures. Beginning in FY 2018, the CBJ includes the prior year actual amounts at the business line and product line levels.

No changes were made to the final rule as a result of these comments.

Comment: The U.S. Department of Energy (DOE) has reviewed the proposed 10 CFR parts 170 and 171 fee schedule for FY 2019. The DOE finds that the basis for the total annual fee amount and the level of effort to support the general licenses for Uranium Mill Tailings Radiation Control Act (UMTRCA) sites is not presented in the proposed rule or associated work papers. Additionally, the bases for allocation percentages for DOE and other uranium recovery licensees and the generic/other uranium recovery costs in the proposed rule and work papers are not presented. The DOE requests that the US NRC clarify the rationale for the various fee components that are used to determine the total charge. This will help DOE evaluate whether the proposed NRC scope is consistent with anticipated DOE activities and establish the basis for DOE's estimate of annual uranium licensee fees in its budget request. (DOE)

Response: The NRC described the overall methodology for determining fees for uranium recovery facilities, including DOE, in the 2002 fee rule (67 FR 42625; June 24, 2002), and the NRC continues to use this methodology. As the NRC explained in the proposed fee rule, the NRC recovers fees from DOE through both user fees charged under 10 CFR part 170 for specific UMTRCA oversight activities and annual fees charged under 10 CFR part 171 for generic and other costs related to UMTRCA and other uranium recovery activities. As shown in the work papers referenced in the proposed fee rule, the NRC calculated the total amount of budgeted resources for UMTRCA activities related to DOE sites in the FY 2019 CBJ by computing the cost of staff hours budgeted to conduct the work (in terms of full-time equivalent, or FTE) and the budgeted contract costs. The total amount of budgeted resources was reduced by the amount expected to be recovered by 10 CFR part 170 user fees for site-specific UMTRCA activities. The NRC estimated the amount of 10 CFR part 170 user fees by analyzing billing data and the actual contractual work charged to DOE for the previous four quarters. The estimate, therefore, reflects any recent reductions in NRC oversight activities. The remainder of the UMTRCA budgeted amount related to DOE sites is charged to DOE for generic activities. In addition to those generic costs, DOE was charged for 10 percent of the overall generic costs attributable to the uranium recovery program. In other words, the DOE fee includes the costs of generic activities related to DOE sites and 10 percent of the overall generic costs attributable to the uranium recovery program. The remaining 90 percent of the overall generic costs is charged to the other members of the uranium recovery fee class. The work papers also provided information on all the values of the effort/benefit factors used in the uranium recovery matrix for FY 2019.

No changes were made to this final rule because of this comment.

D. Operating Reactors Budget and Declining 10 CFR Part 170 Fee Collections

Comment: Several commenters expressed their concern regarding the NRC's Operating Reactors budget and that it is too large in today's economic environment with the closure of Oyster Creek in 2018 and additional plant closures expected between now and 2025, yet annual fees are increasing for the remaining operating reactors fleet. With the loss of these licensees and the expected continued decrease in 10 CFR part 170 service fees, the NRC should take action to reduce the operating plant budget and stop the trend of increasing annual fees for the remaining operating plants. Given that the cap on annual fees for operating reactors under NEIMA goes into effect in FY 2021, the NRC should begin establishing a means to more quickly adjust the budget to reflect anticipated reductions in reactor licensees and the associated workload. (Ameren, WEC, NEI, SNC, FENOC, Exelon)

Response: Regarding the comment that the NRC should reduce its budget commensurate with the reduction in the number of decommissioning plants, the NRC recognizes that the number of reactors that are planning to close will have a material impact on the budget. The NRC accounts for the decreasing number of nuclear power reactor licensees during the budget formulation process. For instance, the NRC tracks licensee plans to cease operations and adjusts its budget requests to reflect the anticipated workload while ensuring that the agency will continue to meet its statutory requirements. With the implementation of NEIMA in FY 2021, which will include a cap on annual fees for operating reactors, the NRC continues to proactively evaluate resource requirements and adjustments that can be made to refine the operating reactors budget.

The amount of user fees collected under 10 CFR part 170 depends on a number of different factors including the professional hourly rate, licensee and applicant decisions to pursue licensing actions, and the number of hours necessary to resolve any licensing actions. Due to OBRA–90 requirements, examining changes in the 10 CFR part 170 fees and the 10 CFR part 171 fees separately may not account for the overall decreases in the fee class budget or the realized efficiencies. Over the last several years, the fee class budget for the operating power reactors fee class has decreased from $762.1 million in FY 2015 to $670.2 million in the FY 2019 final rule. In addition, the ''Congressional Budget Justification: Fiscal Year 2020'' (NUREG–1100, Volume 35) shows a continual decline in the operating reactors business line.

In comparison to FY 2018, estimated billings under 10 CFR part 170 declined due to a reduction in both licensing actions and inspections due to the shutdown of Oyster Creek, the planned shutdown of Pilgrim and Three Mile Island operating power reactors during FY 2019, and the completion of the APR1400 design certification for Korea Hydro and Nuclear Power Co., LTD. The NRC continues to proactively review its budget to pursue additional efficiency improvements to ensure that its budgetary request accurately reflects the anticipated workload in light of anticipated operating power plant closures.

The NRC continues to examine and pursue improvements to its processes and increases in efficiency that will allow it to meet its statutory

responsibilities as the industry changes. The NRC continues to develop methods that would allow for more rapid adaptation to future needs and the size of the licensed community.

No changes were made to the final rule as a result of these comments.

E. Fuel Facilities Budget

Comment: Several commenters welcomed the reductions in the fuel facilities fee class budgetary resources and annual fees in FY 2019 but felt that the fee class's budgeted resources are still too large given the activities performed and number of licensees and that further reductions are needed beyond FY 2019. Two commenters expressed concern that the level of resources assigned to the fuel facilities fee class was too large in light of the risk profile for the fuel facilities being significantly lower compared to power reactors. (WEC, NEI, BWXT, NFS, URENCO)

Response: The fuel facilities business line is responsible for ensuring the safety and security of fuel cycle and greater than critical mass facilities. The business line leads the licensing and oversight of these facilities, as well as domestic material control and accounting and international safeguards implementation activities for the NRC. The business line also supports rulemaking and environmental review activities for fuel facilities.

The NRC has taken steps to right-size the fuel facilities budget to ensure that it reflects the reduced workload in the business line. A peak workload was experienced in FY 2012. The FY 2019 fuel facilities fee class budget of $24.8 million is approximately 54 percent less than the FY 2012 fuel facilities fee class budget of $54.4 million. Further, the 66 FTE in the FY 2019 fuel facilities fee class budget is approximately 64 percent less than the 184 FTE in the FY 2012 fuel facilities fee class budget. The FY 2019 fuel facilities fee class budget decreases due to aligning resources with a smaller projected workload, primarily due to the anticipated completion of work associated with the cyber security rulemaking and additional efficiencies to align resources with the smaller workload projected in FY 2019.

In a public meeting conducted on February 13, 2019, on the FY 2019 proposed feel rule, the NRC provided an overview of the fuel facilities business line budget, major activities, the budget planning process (*e.g.,* workload forecasting, types of work, and inspection activities), and a discussion of the fuel facilities fee class 10 CFR part 170 user fees and 10 CFR part 171 annual fees. Slides from this public meeting are available in ADAMS under Accession No. ML19044A386.

Regarding the assertion that the NRC should reduce its budget commensurate with the reduction in the number of fuel facilities that pay fees, the NRC agrees, but that reduction is not linearly proportional as there is a cost for the infrastructure that must be maintained independent of the number of operational fuel facilities. These infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, for example, the cost for information management, information technology, security, facilities management, rent, utilities, financial management, acquisitions, human resources, and policy support.

In this final rule, the fees assessed to the licensees and applicants by the NRC must conform to OBRA–90, which requires the NRC to collect approximately 90 percent of its annual budget authority (less certain excluded items) through both user fees and annual fees. The NRC can assess these annual fees only to licensees or certificate holders, and the annual fee schedule must be fair and equitably allocate annual fees among the NRC's many licensees. To ensure compliance with OBRA–90, the NRC makes continual organizational improvements to align the resources needed to support its regulatory activities. These actions help mitigate impacts on the remaining licensees from licensees that leave a fee class by helping the NRC continue to develop budgets that account for regulating a fee class with a declining number of licensees.

The NRC continues to actively evaluate resource requirements, both in terms of overall budget numbers and FTEs, to address changes that occur between budget formulation and execution. The NRC will continue to assess resource requirements and evaluate programmatic efficiencies that could result in additional resource reductions.

Beyond FY 2019, the NRC will continue to look for efficiencies within the fuel facilities program. Going forward, the fuel facilities business line is focusing efforts to align the agency's program of work in the fuel facilities area to workload projections and continuing to risk-inform the regulatory framework for these activities. In the coming months, the NRC will be sharing opportunities for the public and industry to engage with us in our efforts in this area with a goal of identifying and realizing additional efficiencies in the licensing and oversight of fuel facilities while maintaining adequate protection consistent with our principles of good regulation.

No changes were made to this final rule as a result of these comments.

F. Fuel Facilities Decline in 10 CFR Part 170 Fee Collections

Comment: Several commenters expressed concern regarding the declining fraction of fees recovered under 10 CFR part 170 (Service Fees) relative to 10 CFR part 171 (Annual Fees), as well as the NRC's overall budget for the fuel facilities fee class. The commenters noted that these fees were being borne by a decreasing number of facilities with a decreasing number of licensing actions. They also asked for more information on what specific activities contribute to the non-direct portion of the budget that is recovered in the annual fees charged to licensees. (WEC, NEI)

Response: The NRC is aware of the current economic state of the fuel cycle industry and remains mindful of the impact of its budget on the fees for licensees. The fuel facilities fee class supports the activities of the fuel facilities business line, including both direct-billable licensing actions and those general activities that indirectly support the agency's mission in these areas. The overall budget for the fuel facilities business line has decreased significantly in recent years. For example, the number of budgeted staff positions in the fuel facilities fee class has decreased from 184 FTE in FY 2012 to 66 FTE in FY 2019, or 64 percent. The NRC continues to adjust its budget in line with anticipated work load for the business line.

Since FY 2012, services billed directly to individual fuel facility licensees under 10 CFR part 170 have decreased. The reasons for this include: Fewer applications for new licenses, license renewals, and license amendments; fewer inspections; and less construction inspection activity. The decrease in 10 CFR part 170 collections in recent years has meant that the amount to be recovered by annual fees has not decreased commensurate with the overall decrease in the budget for the fuel facilities business line. Further, the decline in the number of operating fuel facilities (from ten in FY 2012 to seven in FY 2019) has led to an increase in the annual fee burden for the remaining fuel facilities, even though the total budgeted resources for this fee class have dropped during that time period.

The fuel facilities business line must maintain certain minimum requirements in order to meet the NRC's regulatory and statutory oversight role. This includes maintaining expertise in a number of technical areas, including: Integrated safety analysis, radiation protection, criticality safety, chemical safety, fire safety, emergency management, environmental protection, decommissioning, management measures, material control and accounting, physical protection, and information security. Budgeted resources in technical areas are recovered through annual fees as well as user fees.

In a public meeting on February 13, 2019, the NRC discussed how the annual fees support other activities that are necessary for the fuel facilities fee class as a whole. The presentations from the meeting address these areas and are available in ADAMS under Accession No. ML19044A386.

No changes were made to this final rule as a result of these comments.

G. Fuel Facilities Matrix

Comment: Several commenters provided views regarding the effort factors matrix, including a request for feedback on the NRC's decision not to make changes to the fuel facilities fee matrix in FY 2019, and specific information regarding the effort factor for Uranium Enrichment and requested a justification for why the safety factor for Solid UF6/Metal for Safety is higher than Category 3 Fuel Fabricators and is more appropriately reflected at lower effort factor. (WEC, NEI, URENCO)

Response: In response to industry concerns about the fairness and equity of annual fees charged to fuel facilities, the NRC analyzed its past practice of using an effort factors matrix to calculate annual fees for the fuel facilities fee class to determine if revisions to the current method may be warranted. In FY 2018, the NRC held three public meetings to discuss possible alternative approaches to the method of calculating annual fees for the fuel facilities fee class including changes to the effort factors matrix. As part of that process, the NRC received numerous comments on the current and alternative methods for determining annual fees. The comments were grouped into 5 options which included an option for no change. The comments were mixed as to whether the NRC should change the methodology for calculating annual fees. Some stakeholders indicated that the NRC should change the methodology, while others stated that the NRC should leave the methodology unchanged until budget reduction efforts are complete.

During those meetings, the NRC indicated that it did not intend to make any changes to the method of calculating annual fees in the FY 2018 fee rule since it was in the process of engaging stakeholders, and any recommendations related to the effort factors matrix would be addressed as part of recommendations for the FY 2019 proposed fee rule. During the development of the FY 2019 fee rule, the NRC considered the 5 options for changing the method of allocating annual fees to individual fuel facility licensees and decided that the best option was no change, which retained the current methodology based on the effort factors matrix that was developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999).

Regarding the comment that the safety factor in the effort factors matrix for Solid Uranium Hexafluoride (UF6)/Metal processes at Uranium Enrichment facilities is too high, the NRC notes that the same comment was submitted for the 2018 fee rule and during the 2018 public meetings. The effort factors in the matrix represent non-billable, regulatory effort (*e.g.,* rulemaking, guidance, etc.). Billable regulatory effort, such as the number of inspections, is not applicable to the effort factor. However, the NRC acknowledges that enrichment facilities receive natural UF6 as feed and ship low enriched UF6 as product. The non-billable effort is more aligned to the moderate effort for facilities fabricating low enriched fuel than the high effort for facilities fabricating high enriched fuel. This is because the regulations and guidance for criticality safety, physical protection, and material control and accounting are more extensive for HEU than low-enrich uranium LEU or natural uranium. A moderate effort is assigned an effort factor of 5. Therefore, the safety factor in the effort factors matrix for UF6/Metal processes at Uranium Enrichment facilities has been reduced from 10 to 5 for this process at enrichment facilities.

H. Research and Test Reactors

Comment: ''The anticipated decrease in part 170 billings will be offset by an increase in activity for Aerotest's startup inspection and license renewal application. A December 6, 2018, letter from Aerotest Operations, Inc. appears to contradict this statement because the licensee has requested withdrawal of the renewal application and a subsequent termination of related regulatory and licensing activities.'' (NEI)

Response: The commenter is correct regarding the letter from Aerotest requesting withdrawal of the license renewal application and termination of related regulatory and licensing activities. The NRC notes that this will not result in the NRC discontinuing all work related to the licensing and oversight of Aerotest during FY 2019 (*i.e.,* Aerotest will continue to pay hourly fees for NRC services). As stated in the January 25, 2019, letter from the NRC to Aerotest (ADAMS Accession No. ML19015A332), ''the NRC staff will not consider Aerotest's license renewal application to be withdrawn until Aerotest provides the NRC with written certification of the permanent cessation of [Aerotest] operations.'' Although the NRC suspended its review of the license renewal application and startup inspection activities, this work may resume if requested by Aerotest or be replaced by new work related to permanent cessation of operations and license termination. This leaves uncertainty about the NRC services that will be requested by Aerotest in FY 2019 and the associated hourly fees. The difference between fees for license renewal and startup inspection assumed in the fee calculations for the proposed rule and the fees for licensing actions related to permanent cessation of operations and license termination is expected to be small (on the order of several thousands of dollars in FY 2019). This difference should not have a significant impact on the FY 2019 annual fee given the methods used by the NRC for determining the annual fees under 10 CFR part 171, as described below.

In order to develop the estimated 10 CFR part 170 by fee class the NRC utilizes actual billing data from four quarters including the hourly rate charges and contract work, which is then adjusted for workload projections and the changes in the hourly rate. In order to expedite the fee rule publication, the billing data used to estimate the 10 CFR part 170 estimated billings was changed in the FY 2017 fee rule and has carried forward in subsequent fee rules. The FY 2019 proposed rule utilizes four quarters of the prior year invoice data, while the NRC will utilize a combination of two quarters of the prior year and two quarters of the current year billing data, which is also updated to reflect workload changes, for the FY 2019 final rule. By giving up some precision in the 10 CFR part 170 estimates, the NRC is able to achieve the acceleration of publishing the fee rule.

No changes were made to the final rule as a result of these comments.

I. Low-Level Waste Surcharge

Comment: ''[W]e believe the staff should provide additional information on the data used to validate the ''Low-Level Waste Surcharge'' (LLW) increase shown in table IV of the proposed rule (page 582 of the **Federal Register** notice). Since NRC fees are based in part on the LLW surcharge, NRC should continue to work with the Department of Energy to ensure the accuracy, completeness and timeliness of data entered into DOE's Manifest Information Management System (MIMS).'' (NEI)

Response: The DOE was required by law (42 U.S.C. 2021g(a)) to establish a computerized database to monitor low-level radioactive wastes. The DOE created and is responsible for the MIMS database that was created to monitor the management of commercial LLW in the United States. The LLW surcharge percentages included in Table IV in the proposed FY 2019 fee rule for operating power reactors, fuel facilities, and materials users reflect the 5-year average of the data available in MIMS for the relevant licensees.

At the time the proposed FY 2019 fee rule was issued, the most recent data available from the MIMS database was from March 2018. The FY 2019 final fee rule includes updated LLW surcharge percentages which account for the 2019 MIMS data that was recently populated by DOE. The 2019 data includes a significant increase to the volume reported under the ''Utility'' Class, which is used to determine the percentage for operating power reactors. The increase to the volume reported under the Utility Class in 2019 shifted the percentages for fuel facilities and operating power reactors as seen in Table IV, ''Allocation of Fee-Relief and LLW Surcharge FY 2019.'' As a result, compared to the proposed FY 2019 fee rule, the percentage of the LLW surcharge for operating power reactors increased from 41.0 percent to 75 percent, fuel facilities decreased from 46 percent to 20 percent, and material users decreased from 13 percent to 5 percent. Please refer to Table IV and the accompanying discussion for additional details.

No changes were made to this final rule as a result of these comments.

J. Small Business Standards

Comment: ''Regarding small entity size standards, the NRC should consider establishing lower licensing fees by creating one or more additional ranges between the $520,000 and $7,500,000 gross annual receipts range. A fee rate schedule with more steps for small businesses would help reduce the license fee burden on the smaller entities and address small business concerns.'' (RE)

Response: To reduce the significance of the annual fees on a substantial number of small entities, the NRC established the maximum small entity fee in FY 1991. In FY 1992, the NRC introduced a second lower tier to the small entity fee. Because the NRC's methodology for small entity size standards has been approved by the Small Business Administration, the NRC did not modify its current methodology for this rulemaking. As one of the ongoing Fees Transformation initiatives, the NRC is currently determining if a change to the small entity size standards is needed.

No change was made to the final rule in response to this comment.

K. Comments Generally Supporting Actions of the Agency

Several commenters expressed comments generally in favor of actions that the agency is taking with respect to fees, billing, and other aspects of the fee rule process. Comments generally in favor of the agency's actions included comments supporting the public meetings on the proposed fee rule, improved efficiency and clarity of the fee and invoicing process, support for e-Billing, the removal of the 6-percent overhead charge for the 10 CFR part 170 bills, the decrease within the fuel facilities budget to right-size the budget to reflect a reduced workload, and other improvements made as part of the Fees Transformation Initiative. No new or different information was developed as a result of these comments, and thus, no changes to the rule were made because of these comments.

L. Comments on Matters Not Related to This Rulemaking

Several commenters raised issues outside the scope of the FY 2019 fee rule. Commenters raised concerns with the agency's budgeting process and requesting public meetings on the agency's budget formulation process. A few commenters regarding expediting efficiency efforts and engaging industry regarding additional efficiencies and risk-informing the current regulatory program. Additional comments included a comment on safety standards and renewal energy, and Medicare codes.

These matters are outside the scope of this final rule. The primary purpose of the NRC's annual fee recovery final rule is to update the NRC's fee schedules to recover approximately 90 percent of the NRC's budgeted authority for the current fiscal year, and to make other necessary corrections or appropriate changes to specific aspects of the NRC's fee regulations in order to ensure compliance with OBRA–90.

The NRC takes the importance of examining and improving the efficiency of its operations and the prioritization of its regulatory activities very seriously. Recognizing the importance of continuous reexamination and improvement of the way the agency does business, the NRC has undertaken, and continues to undertake, a number of significant initiatives aimed at improving the efficiency of NRC operations and enhancing the agency's approach to regulating. Though comments raising these issues are not within the scope of this final rule, the NRC will consider this input in its future program operations.

VI. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended,[6] the NRC has prepared a regulatory flexibility analysis for this final rule. The regulatory flexibility analysis is available as indicated in Section XIV, Availability of Documents, of this document.

VII. Regulatory Analysis

Under OBRA–90, the NRC is required to recover approximately 90 percent of its budget authority in FY 2019. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978 and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery in OBRA–90.

In this final rule, the NRC continues this long-standing approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this final rule.

VIII. Backfitting and Issue Finality

The NRC has determined that the backfit rule, 10 CFR 50.109 (and similar provisions in the NRC's regulations for other licensee fee classes), does not apply to this final rule and that a backfit analysis is not required. A backfit analysis is not required because these amendments do not require the modification of, or addition to, systems, structures, components, or the design of

[6] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 847 (1996).

a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

X. National Environmental Policy Act

The NRC has determined that this rule amends the NRC's administrative requirements in 10 CFR part 170 and 10 CFR part 171. Therefore, this action is categorically excluded from needing environmental review as described in § 51.22(c)(1). Consequently, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

XI. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XII. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act of 1996 (5 U.S.C. 801–808). The Office of Management and Budget has found it to be a major rule as defined in the Congressional Review Act.

XIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC amends the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover approximately 90 percent of its budget authority in FY 2018, as required by OBRA–90. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XIV. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2019 proposed fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2019. This document is available as indicated in Section XV, Availability of Documents, of this document.

XV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link
SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005.	ML052580332.
SECY–08–0174, ''Fiscal Year 2009 Proposed Fee Rule and Advance Rulemaking for Grid-Appropriate Reactor Fees,'' dated November 7, 2008.	ML083120518.
SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' dated August 22, 2016.	ML16194A365.
SECY–17–0026, ''Policy Considerations and Recommendations for Remediation of Non-Military, Unlicensed Historic Radium Sites in Non-Agreement States,'' dated February 22, 2017.	ML17130A783.
Staff Requirements Memorandum for SECY–17–0026, dated September 7, 2017.	ML17250A841.
FY 2019 Final Rule Work Papers	ML19106A409.
FY 2019 Regulatory Flexibility Analysis	ML19085A492.
FY 2019 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide.	ML18338A006.
NUREG–1100, Volume 34, ''Congressional Budget Justification: Fiscal Year 2019'' (February 2018).	ML18023B460.
NUREG–1100, Volume 35, ''Congressional Budget Justification: Fiscal Year 2020'' (February 2019).	ML19065A279.
NRC Form 526, Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR Part 171.	*http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf.*
OMB's Circular A–25, ''User Charges''	*https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/circulars/a025/a025.html.*
FY 2019 Proposed Fee Rule	ML18319A157.
FY 2019 Proposed Rule Work Papers	ML18361A780.
Fees Transformation Accomplishments	*https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformaton-accomplishments.html.*

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Approvals, Byproduct material, Holders of certificates, Intergovernmental relations, Nonpayment penalties, Nuclear

materials, Nuclear power plants and reactors, Registrations, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 170 and 171:

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 1. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

■ 2. In § 170.21, in the table revise the entry for ''K. Import and export licenses;'' to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections, and import and export licenses.

* * * * *

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
* * * * * * *	
K. Import and export licenses: [6]	
Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.	
1. Application for import or export of production or utilization facilities [4] (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request	N/A
2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a).	
Application—new license, or amendment; or license exemption request	N/A
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	N/A
4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request	N/A
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment to license	N/A

[1] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under § 2.202 of this chapter or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 50.12, 10 CFR 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

[2] Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect when the service was provided.

* * * * * * *

[6] Because the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, excludes international activities from the fee-recoverable budget in FY 2019, import and export licensing actions will not be charged fees.

■ 3. In § 170.31, revise the table to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

* * * * *

SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
1. Special nuclear material: [11]	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [6] [Program Code(s): 21213]	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [6] [Program Code(s): 21210].	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A. (1) which are licensed for fuel cycle activities.[6]	

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
(a) Facilities with limited operations [6] [Program Code(s): 21240, 21310, 21320]	Full Cost.
(b) Gas centrifuge enrichment demonstration facilities.[6] [Program Code(s): 21205]	Full Cost.
(c) Others, including hot cell facilities.[6] [Program Code(s): 21130, 21133]	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [6] [Program Code(s): 23200].	Full Cost.
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[4] Application [Program Code(s): 22140].	$1,300.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[4]	
Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310].	$2,600.
E. Licenses or certificates for construction and operation of a uranium enrichment facility [6] [Program Code(s): 21200]	Full Cost.
F. Licenses for possession and use of special nuclear material greater than critical mass as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[4] [6] [Program Code(s): 22155].	Full Cost.
2. Source material: [11]	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[6] [Program Code(s): 11400].	Full Cost.
(2) Licenses for possession and use of source material in recovery operations such as milling, *in-situ* recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.[6]	
(a) Conventional and Heap Leach facilities [6] [Program Code(s): 11100]	Full Cost.
(b) Basic *In Situ* Recovery facilities [6] [Program Code(s): 11500]	Full Cost.
(c) Expanded *In Situ* Recovery facilities [6] [Program Code(s): 11510]	Full Cost.
(d) *In Situ* Recovery Resin facilities [6] [Program Code(s): 11550]	Full Cost.
(e) Resin Toll Milling facilities [6] [Program Code(s): 11555]	Full Cost.
(f) Other facilities [6] [Program Code(s): 11700]	Full Cost
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [6] [Program Code(s): 11600, 12000].	Full Cost.
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [6] [Program Code(s): 12010].	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[7] [8]	
Application [Program Code(s): 11210]	$1,200.
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter.	
Application [Program Code(s): 11240]	$4,300.
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter.	
Application [Program Code(s): 11230, 11231]	$2,800.
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution.	
Application [Program Code(s): 11710]	$2,600.
F. All other source material licenses.	
Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	$2,600.
3. Byproduct material: [11]	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5.	
Application [Program Code(s): 03211, 03212, 03213]	$13,000.
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04010, 04012, 04014]	$17,300.
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: More than 20.	
Application [Program Code(s): 04011, 04013, 04015]	$21,600.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5.	
Application [Program Code(s): 03214, 03215, 22135, 22162]	$3,600.
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04110, 04112, 04114, 04116]	$4,800.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: More than 20.	
Application [Program Code(s): 04111, 04113, 04115, 04117]	$5,900.
C. Licenses issued under § 32.72 and/or § 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5.	
Application [Program Code(s): 02500, 02511, 02513]	$5,200.
(1). Licenses issued under § 32.72 and/or § 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20.	
Application [Program Code(s): 04210, 04212, 04214]	$6,900.
(2). Licenses issued under § 32.72 and/or § 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: More than 20.	
Application [Program Code(s): 04211, 04213, 04215]	$8,600.
D. [Reserved]	N/A.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).	
Application [Program Code(s): 03510, 03520]	$3,200.
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03511]	$6,500.
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03521]	$62,000.
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	
Application [Program Code(s): 03254, 03255, 03257]	$6,600.
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	
Application [Program Code(s): 03250, 03251, 03252, 03253, 03256]	$11,600.
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	
Application [Program Code(s): 03240, 03241, 03243]	$2,000.
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	
Application [Program Code(s): 03242, 03244]	$1,100.
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5.	
Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	$5,500.
(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	$7,300.
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: More than 20.	
Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	$9,100.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution.	
Application [Program Code(s): 03620]	$8,300.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C.	
Application [Program Code(s): 03219, 03225, 03226]	$8,900.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 1–5.	
Application [Program Code(s): 03310, 03320]	$6,300.
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 6–20.	
Application [Program Code(s): 04310, 04312]	$8,500.
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: More than 20.	
Application [Program Code(s): 04311, 04313]	$10,600.
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: 1–5.	
Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130].	$4,700.
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: 6–20.	
Application [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438].	$6,300.
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: More than 20.	
Application [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439].	$7,900.
Q. Registration of a device(s) generally licensed under part 31 of this chapter.	
Registration	$700.
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section.[5]	
1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified.	
Application [Program Code(s): 02700]	$2,600.
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4), or (5).	
Application [Program Code(s): 02710]	$2,500.
S. Licenses for production of accelerator-produced radionuclides.	
Application [Program Code(s): 03210]	$14,200.
4. Waste disposal and processing:[11]	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material.	
Application [Program Code(s): 03231, 03233, 03236, 06100, 06101]	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03234]	$6,900.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03232]	$5,000.
5. Well logging:[11]	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	
Application [Program Code(s): 03110, 03111, 03112]	$4,600.
B. Licenses for possession and use of byproduct material for field flooding tracer studies.	
Licensing [Program Code(s): 03113]	Full Cost.
6. Nuclear laundries:[11]	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	
Application [Program Code(s): 03218]	$22,200.
7. Medical licenses:[11]	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 1–5.	
Application [Program Code(s): 02300, 02310]	$11,100.
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 6–20.	
Application [Program Code(s): 04510, 04512]	$14,800.
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: more than 20.	
Application [Program Code(s): 04511, 04513]	$18,500.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1–5.	
Application [Program Code(s): 02110]	$8,700.
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6–20.	
Application [Program Code(s): 04710]	$11,500.
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: More than 20.	
Application [Program Code(s): 04711]	$14,400.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: 1–5.	
Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	$6,600.
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: 6–20.	
Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	$8,700.
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: More than 20.	
Application [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	$10,900.
8. Civil defense:[11]	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	
Application [Program Code(s): 03710]	$2,600.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution.	
Application—each device	$10,800.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices.	
Application—each device	$9,000.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	
Application—each source	$5,300.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel.	
Application—each source	$1,100.
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost.
2. Other Casks	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators.	
Application	$4,200.
Inspections	Full Cost.
2. Users.	
Application	$4,200.
Inspections	Full Cost.
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost.
11. Review of standardized spent fuel facilities	Full Cost.
12. Special projects:	
Including approvals, pre-application/licensing activities, and inspections.	
Application [Program Code: 25110]	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance	Full Cost.
B. Inspections related to storage of spent fuel under § 72.210 of this chapter.	Full Cost.
14. Decommissioning/Reclamation [11]	

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21240, 21325, 22200].	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost.
15. Import and Export licenses:[12]	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.).	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request	N/A.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires the NRC to consult with domestic host state authorities (*i.e.,* Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.).	
Application—new license, or amendment; or license exemption request	N/A.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	N/A.
D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request.	N/A.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment	N/A.
Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.).	
Category 1 (Appendix P, 10 CFR Part 110) Exports:	
F. Application for export of appendix P Category 1 materials requiring Commission review (*e.g.,* exceptional circumstance review under 10 CFR 110.42(e)(4)) and to obtain one government-to-government consent for this process. For additional consent see fee category 15.I.	
Application—new license, or amendment; or license exemption request	N/A.
G. Application for export of appendix P Category 1 materials requiring Executive Branch review and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I.	
Application—new license, or amendment; or license exemption request	N/A.
H. Application for export of appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I.	
Application—new license, or amendment; or license exemption request	N/A.
I. Requests for each additional government-to-government consent in support of an export license application or active export license.	
Application—new license, or amendment; or license exemption request	N/A.
Category 2 (Appendix P, 10 CFR Part 110) Exports:	
J. Application for export of appendix P Category 2 materials requiring Commission review (*e.g.,* exceptional circumstance review under 10 CFR 110.42(e)(4)).	
Application—new license, or amendment; or license exemption request	N/A.
K. Applications for export of appendix P Category 2 materials requiring Executive Branch review.	
Application—new license, or amendment; or license exemption request	N/A.
L. Application for the export of Category 2 materials.	
Application—new license, or amendment; or license exemption request	N/A.
M. [Reserved]	N/A.
N. [Reserved]	N/A.
O. [Reserved]	N/A.
P. [Reserved]	N/A.
Q. [Reserved]	N/A.
Minor Amendments (Category 1 and 2, Appendix P, 10 CFR Part 110, Export):	
R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities.	
Minor amendment	N/A.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20.	
Application	$2,100.
17. Master materials licenses of broad scope issued to Government agencies.	
Application [Program Code(s): 03614]	Full Cost.
18. Department of Energy.	

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost.
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	Full Cost.

[1] *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(b) *Licensing fees. Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).*

(c) *Amendment fees. Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.*

(d) *Inspection fees. Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).*

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

[2] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

[4] Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

[5] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[6] Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[7] Licensees paying fees under 3.C., 3.C.1, or 3.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[8] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[9] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

[10] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2. for broad scope licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

[11] A materials license (or part of a materials license) that transitions to fee category 14.A is assessed full-cost fees under 10 CFR part 170, but is not assessed an annual fee under 10 CFR part 171. If only part of a materials license is transitioned to fee category 14.A, the licensee may be charged annual fees (and any applicable 10 CFR part 170 fees) for other activities authorized under the license that are not in decommissioning status.

[12] Because the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, excludes international activities from the fee-recoverable budget in FY 2019, import and export licensing actions will not be charged fees.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 4. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

■ 5. In § 171.15, revise paragraphs (a), (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, (d)(1) introductory text, (d)(2) and (3), and (f) to read as follows:

§ 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.

(a) Each person holding an operating license for a power, test, or research reactor; each person holding a combined license under part 52 of this chapter after the Commission has made the finding under 10 CFR 52.103(g); each person holding a part 50 or part 52 power reactor license that is in decommissioning or possession only status, except those that have no spent fuel onsite; and each person holding a part 72 license who does not hold a part 50 or part 52 license and provides notification in accordance with 10 CFR 72.80(g), shall pay the annual fee for each license held during the Federal fiscal year in which the fee is due. This paragraph does not apply to test or research reactors exempted under § 171.11(b).

(b)(1) The FY 2019 annual fee for each operating power reactor that must be collected by September 30, 2019, is $4,669,000.

(2) The FY 2019 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee and associated additional charges (fee-relief adjustment). The activities comprising the spent fuel storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2019 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2019 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2019 annual fee for each power reactor holding a 10 CFR part 50 license that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is $152,000.

(2) The FY 2019 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section) and a fee-relief adjustment. The activities comprising the FY 2019 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2019 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(d)(1) The fee-relief adjustment allocated to annual fees includes a surcharge for the activities listed in paragraph (d)(1)(i) of this section, plus the amount remaining after total budgeted resources for the activities included in paragraphs (d)(1)(ii) and (iii) of this section are reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (d)(1)(ii) and (iii) of this section for a given fiscal year, annual fees will be reduced. The activities comprising the FY 2019 fee-relief adjustment are as follows:

* * * * *

(2) The total FY 2019 fee-relief adjustment allocated to the operating power reactor class of licenses is a $219,777 fee-relief surcharge, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2019 operating power reactor fee-relief adjustment to be assessed to each operating power reactor is approximately a $2,243 fee-relief surcharge. This amount is calculated by dividing the total operating power reactor fee-relief surcharge, $219,777, by the number of operating power reactors (98).

(3) The FY 2019 fee-relief adjustment allocated to the spent fuel storage/reactor decommissioning class of licenses is a $11,888 fee-relief surcharge. The FY 2019 spent fuel storage/reactor decommissioning fee relief adjustment to be assessed to each operating power reactor, each power reactor in decommissioning or possession-only status that has spent fuel onsite, and to each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is a $97.44 fee-relief surcharge. This amount is calculated by dividing the total fee-relief surcharge by the total number of power reactors licenses, except those that permanently ceased operations and have no fuel onsite, and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license.

* * * * *

(f) The FY 2019 annual fees for licensees authorized to operate a research or test (non-power) reactor licensed under 10 CFR part 50, unless the reactor is exempted from fees under § 171.11(b), are as follows:

Research reactor	$82,400
Test reactor	82,400

■ 6. In § 171.16, revise paragraphs (c), (d), and (e) introductory text to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in the following table. Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over last 3 completed fiscal years):	
$485,000 to $7 million	$4,500
Less than $485,000	900
Small Not-For-Profit Organizations (Annual Gross Receipts):	
$485,000 to $7 million	4,500
Less than $485,000	900
Manufacturing Entities that Have An Average of 500 Employees or Fewer:	
35 to 500 employees	4,500
Fewer than 35 employees	900
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	4,500
Fewer than 20,000	900
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer	
35 to 500 employees	4,500
Fewer than 35 employees	900

(d) The FY 2019 annual fees are comprised of a base annual fee and an allocation for fee-relief adjustment. The activities comprising the FY 2019 fee-relief adjustment are shown for convenience in paragraph (e) of this section. The FY 2019 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in the following table:

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [15] [Program Code(s): 21130]	$6,675,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [15] [Program Code(s): 21210]	2,262,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations [15] [Program Code(s): 21310, 21320]	N/A
(b) Gas centrifuge enrichment demonstration facility [15]	N/A
(c) Others, including hot cell facility [15]	N/A
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [11] [15] [Program Code(s): 23200]	N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. [Program Code(s): 22140]	2,900
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	7,300
E. Licenses or certificates for the operation of a uranium enrichment facility [15] [Program Code(s): 21200]	2,909,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel cycle activities. [4] [Program Code: 22155]	5,300
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. [15] [Program Code: 11400]	1,417,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities [15] [Program Code(s): 11100]	N/A
(b) Basic *In Situ* Recovery facilities [15] [Program Code(s): 11500]	49,200
(c) Expanded *In Situ* Recovery facilities [15] [Program Code(s): 11510]	N/A
(d) *In Situ* Recovery Resin facilities [15] [Program Code(s): 11550]	[5] N/A
(e) Resin Toll Milling facilities [15] [Program Code(s): 11555]	[5] N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [15] [Program Code(s): 11600, 12000]	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [15] [Program Code(s): 12010]	N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding. [16] [17] Application [Program Code(s): 11210]	3,100
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	7,900
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter [Program Code(s): 11230 and 11231]	6,100
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	7,400
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	9,300
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213]	28,600
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 03211, 03212, 03213]	38,000
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04011, 04013, 04015]	47,300
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03214, 03215, 22135, 22162]	11,600

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04110, 04112, 04114, 04116]	15,400
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04111, 04113, 04115, 04117]	19,000
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	10,800
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214]	14,300
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: More than 20. [Program Code(s): 04211, 04213, 04215]	17,800
D. [Reserved]	[5] N/A
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units) [Program Code(s): 03510, 03520]	11,900
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03511]	11,000
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03521]	88,000
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03254, 03255, 03257]	10,900
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03250, 03251, 03252, 03253, 03256]	17,600
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03240, 03241, 03243]	4,200
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03242, 03244]	3,100
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	15,300
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	20,300
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	25,300
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution [Program Code(s): 03620]	14,900
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C. [Program Code(s): 03219, 03225, 03226]	18,600
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license Number of locations of use: 1–5. [Program Code(s): 03310, 03320]	30,200
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: 6–20. [Program Code(s): 04310, 04312]	40,300

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: More than 20. [Program Code(s): 04311, 04313]	50,200
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 1–5. [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	10,000
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 6–20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	13,400
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: More than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	16,700
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
R. Possession of items or products containing radium–226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section: [14]	
(1). Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	7,100
(2). Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5) [Program Code(s): 02710]	7,500
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	31,000
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	32,600
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material [Program Code(s): 03234]	18,400
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material [Program Code(s): 03232]	10,500
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies [Program Code(s): 03110, 03111, 03112]	14,600
B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material [Program Code(s): 03218]	35,200
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 1–5. [Program Code(s): 02300, 02310]	26,100
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 6–20. [Program Code(s): 04510, 04512]	34,600
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: More than 20. [Program Code(s): 04511, 04513]	43,300
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 1–5. [Program Code(s): 02110]	31,600
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 6–20. [Program Code(s): 04710]	41,900

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: More than 20. [Program Code(s): 04711]	52,200
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: 1–5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	15,300
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: 6–20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	20,200
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: More than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	25,300
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities [Program Code(s): 03710]	7,100
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	14,300
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	11,900
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	7,000
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	1,500
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	[6] N/A
2. Users	[6] N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects [Program Code(s): 25110]	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21240, 21325, 22200]	[7] [20] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies.[15] [Program Code(s): 03614]	329,000
18. Department of Energy:	
A. Certificates of Compliance	[10] 1,020,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	121,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1 of the current FY, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (*e.g.,* human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.
[4] Other facilities include licenses for extraction of metals, heavy metals, and rare earths.
[5] There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.
[6] Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.
[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.
[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.
[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.A, 7.A.1, 7.A.2, 7.B., 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2.
[10] This includes Certificates of Compliance issued to the U.S. Department of Energy that are not funded from the Nuclear Waste Fund.
[11] See § 171.15(c).
[12] See § 171.15(c).
[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.
[14] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)
[15] Licensees subject to fees under categories 1.A., 1.B., 1.E., 2.A., and licensees paying fees under fee category 17 must pay the largest applicable fee and are not subject to additional fees listed in this table.
[16] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[17] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[18] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.
[19] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.
[20] No annual fee is charged for a materials license (or part of a materials license) that has transitioned to this fee category because the decommissioning costs will be recovered through 10 CFR part 170 fees, but annual fees may be charged for other activities authorized under the license that are not in decommissioning status.

(e) The fee-relief adjustment allocated to annual fees includes the budgeted resources for the activities listed in paragraph (e)(1) of this section, plus the total budgeted resources for the activities included in paragraphs (e)(2) and (3) of this section, as reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (e)(2) and (3) of this section for a given fiscal year, a negative fee-relief adjustment (or annual fee reduction) will be allocated to annual fees. The activities comprising the FY 2019 fee-relief adjustment are as follows:

* * * * *

Dated at Rockville, Maryland, this 2nd day of May 2019.

For the Nuclear Regulatory Commission.

Maureen E. Wylie,

Chief Financial Officer.

[FR Doc. 2019–10051 Filed 5–16–19; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1043; Airspace Docket No. 17–AEA–18]

RIN 2120–AA66

Amendment of Class E Airspace; Bloomsburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on September 11, 2018 (corrected November 6, 2018), Class E airspace extending upward from 700 feet or more above the surface at Bloomsburg Municipal Airport, Bloomsburg, PA. The airport's description header identified the region as ''ASO''. The correct region identifier is ''AEA''.

DATES: Effective 0901 UTC, June 20, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (83 FR45814, September 11, 2018; corrected 83 FR 55479, November 6, 2018) for Doc. No. FAA–2017–1043, amending Class E airspace extending upward from 700 feet or more above the surface at Bloomsburg Municipal Airport, Bloomsburg, PA. Subsequent to publication, the FAA found that the description header listed the region of the airport as ''ASO''. This action corrects the error.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of September 11, 2018 (83 FR 45814; corrected November 6, 2018 (83 FR 55479)) FR Doc. 2018–19489, Amendment of Class E Airspace; Bloomsburg, PA, is corrected as follows:

§ 71.1 [Amended]

* * * * *

ASO AL E5 Bloomsburg, PA [Corrected]

■ On page 45815, column 2, line 29, remove ''ASO'' and add in its place ''AEA''.

Issued in College Park, Georgia, on May 9, 2019,

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2019–10170 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0335; Airspace Docket No. 19–AEA–5]

RIN 2120–AA66

Amendment of Class E Airspace; Cambridge, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends Class E airspace for the Cambridge-Dorchester Regional Airport, Cambridge, MD, by correcting the airspace designation header in the 7400.11 to coincide with the FAA's aeronautical database. This does not affect the boundaries or operating requirements of the airspace.

DATES: Effective 0901 UTC, June 20, 2019. The Director of the Federal Register approves this incorporation by reference action under title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace for Cambridge-Dorchester Regional Airport, Cambridge, MD, by correcting the airspace designation header. The header is amended from 'AEA ME E5 Cambridge, MD' to 'AEA MD E5 Cambridge, MD'. Accordingly, since this is an administrative change, and does not affect the boundaries, altitudes, or operating requirements of the airspace, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

The Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the order.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

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. 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.

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 airspace descriptor for Cambridge-Dorchester Regional Airport, Cambridge, MD.

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 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 will continue 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 Federal Aviation Administration Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

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

* * * * *

AEA MD E5 Cambridge, MD [Amended]

Cambridge-Dorchester Regional Airport, MD
(Lat. 38°32′22″ N, long. 76°01′49″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Cambridge-Dorchester Regional Airport.

Issued in College Park, Georgia, on May 9, 2019.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2019–10171 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0036; Airspace Docket No. 19–ACE–1]

RIN 2120–AA66

Amendment of Class E Airspace; Charleston, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Charleston, Mississippi County Airport in Charleston, MO. This action is due to the decommissioning of the Charleston non-directional radio beacon (NDB).

DATES: Effective 0901 UTC, August 15, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

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 Class E airspace extending upward from 700 feet above the surface at Charleston, Mississippi County Airport, in support of standard instrument approach procedures for IFR.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 5392; February 21, 2019) for Docket No. FAA–2019–0036 to amend Class E airspace extending upward from 700 feet above the surface at Charleston, Mississippi County Airport. 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 E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by: Modifying the Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Charleston-Mississippi County Airport, Charleston, MO, and removing the extension within 2.6 miles each side of the 190° bearing from the Charleston NDB. This action was necessary due to the decommissioning of the Charleston NDB. This action enhances safety and the management of IFR operations at the airport.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Charleston, MO [Amended]

Mississippi County Airport, MO
(Lat. 36°50′32″ N, long. 89°21′35″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Mississippi County Airport.

Issued in Fort Worth, Texas, on May 9, 2019.

John Witucki,

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

[FR Doc. 2019–10173 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0033; Airspace Docket No. 19–AGL–3]

RIN 2120–AA66

Amendment of Class E Airspace; Dickinson, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E surface airspace and Class E airspace areas extending upward from 700 feet or more above the surface of the earth at Dickinson-Theodore Roosevelt Regional Airport (formerly Dickinson Municipal Airport) in Dickinson, ND. This action is the result of an airspace review caused by the decommissioning of the Dickinson non-directional radio beacon (NDB). The geographic coordinates for the airport in the associated airspace and the airport name are updated to coincide with the FAA's aeronautical database. Also, the Dickinson VHF omni-directional radio range and tactical air navigational aid (VORTAC) is no longer needed in the description of the E–5 airspace and will be removed. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, August 15, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

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 Class E airspace at Dickinson-Theodore Roosevelt Regional Airport, in support of standard instrument approach procedures for IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 7306; March 4, 2019) for Docket No. FAA–2019–0033 to amend Class E surface and Class E airspace extending upward from 700 feet above the surface at Dickinson-Theodore Roosevelt Regional Airport. 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 E airspace designations are published in paragraph 6002 and 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by: Modifying the Class E surface airspace to within a 4.1-mile radius (reduced from 4.4 miles) of Dickinson-Theodore Roosevelt Regional Airport, Dickinson, ND and removing the extension to the southeast associated with the Dickinson non-directional radio beacon. Also, modifying Class E airspace extending upward from 700 feet above the surface within a 6.6-mile radius (reduced from 8.3 miles) of the Dickinson-Theodore Roosevelt Regional Airport and removing the extension to the southeast associated with the Dickinson non-directional radio beacon. This action enhances safety and the management of IFR operations at the airport. Also, the airport name and geographic coordinates has been adjusted to coincide with the FAA's aeronautical database. The Dickinson VORTAC is no longer needed to describe the airspace and has been removed.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3)

does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AGL ND E2 Dickinson, ND [Amended]

Dickinson-Theodore Roosevelt Regional Airport, ND
(Lat. 46°47′50″ N, long. 102°48′07″ W)
Within a 4.1-mile radius of the Dickinson-Theodore Roosevelt Regional Airport.

* * * * *

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

* * * * *

AGL ND E5 Dickinson, ND [Amended]

Dickinson-Theodore Roosevelt Regional Airport, ND
(Lat. 46°47′50″ N, long. 102°48′07″ W)
That airspace extending upward From 700 Feet above the surface within a 6.6-mile radius of the Dickinson-Theodore Roosevelt Regional Airport.

Issued in Fort Worth, Texas, on May 9, 2019.

John Witucki,

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

[FR Doc. 2019–10176 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0038; Airspace Docket No. 19–ACE–3]

RIN 2120–AA66

Amendment of Class E Airspace; Sibley, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Sibley Municipal Airport in Sibley, IA. This action is the result of an airspace review caused by the decommissioning of the Sibley non-directional radio beacon (NDB).

DATES: Effective 0901 UTC, August 15, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

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 Class E airspace extending upward from 700 feet above the surface at Sibley Municipal Airport in support of standard instrument approach procedures for IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 5017; February 20, 2019) for Docket No. FAA–2019–0038 to amend Class E airspace extending upward from 700 feet above the surface at Sibley Municipal Airport. 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 E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by: Modifying the Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius (increased from 6.0 miles) of Sibley Municipal Airport. This action is necessary due to the decommissioning of the Sibley NDB. This action enhances safety and the management of IFR operations at the airport.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE IA E5 Sibley, IA [Amended]

Sibley Municipal Airport, IA
(Lat. 43°22′10″ N, long. 94°45′35″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Sibley Municipal Airport.

Issued in Fort Worth, Texas, on May 9, 2019.

John Witucki,

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

[FR Doc. 2019–10172 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0293]

RIN 1625–AA00

Safety Zone; Village of Waterloo Memorial Day Fireworks Display; Seneca-Cayuga Canal, Waterloo, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 280-foot radius of the launch site located near West Huff Street, Waterloo, NY. This safety zone is intended to restrict vessels from portions of the Seneca-Cayuga Canal during the Village of Waterloo Memorial Day fireworks display. The safety zone is necessary to protect mariners and vessels from potential hazards associated with a fireworks display. Entry of vessels of persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo or a designated representative.

DATES: This rule is effective from 9:15 p.m. through 10:45 p.m. on May 25, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0293 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Sean Dolan, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels from the hazards associated with a fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

III. Legal Authority and Need for Rule

The legal basis for the rule is the Coast Guard's authority to establish safety zones under 46 U.S.C. 70034 (previously 33 U.S.C. 1231); 33 CFR

1.05–1; 160.5; Department of Homeland Security Delegation No. 0170.1.

The Captain of the Port Buffalo (COTP) has determined that a fireworks display presents significant risks to the public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone prior to, during, and immediately after the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:15 p.m. through 10:45 p.m. on May 25, 2019 with a rain date of May 26, 2019. The safety zone will cover all navigable waters of the Seneca-Cayuga Canal; Waterloo, NY contained within a 280-foot radius of: 42°54′1.45″ N, 076°51′59.55″ W.

The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the fireworks event takes place. Entry into, transiting, or anchoring with the safety zone is prohibited unless authorized by the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the COTP.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC)

supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0293 to read as follows:

§ 165.T09–0293 Safety Zone; Village of Waterloo Memorial Day Fireworks Display; Seneca-Cayuga Canal, Waterloo, NY.

(a) *Location.* The safety zone will encompass all waters of the Seneca-Cayuga Canal; Waterloo, NY contained within a 280-foot radius of: 43°27′36.58″ N, 076°30′43.87″ W.

(b) *Enforcement period.* This section will be enforced from 9:15 p.m. through 10:45 p.m. on May 25, 2019 with a rain date of May 26, 2019.

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

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16 or alternatively they may contact the Captain of the Port Buffalo via landline at 716–843–9525. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: April 30, 2019.

Joseph S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2019–10213 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0356]

Safety Zones; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations at 29 locations in the Sector Columbia River Captain of the Port zone during the dates and times noted under **SUPPLEMENTARY INFORMATION**. This action is necessary to prevent injury and to protect life and property of the maritime public from the hazards associated with annual fireworks displays. These regulations prohibit persons and vessels from entry into, transit through, mooring, or anchoring within the regulated area unless authorized by the Captain of the Port, Sector Columbia River or their designated representative.

DATES: The regulations in 33 CFR 165.1315 will be enforced for the 29 safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified in this document.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LCDR Dixon Whitley, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce safety zones regulations found in 33 CFR 165.1315 for the following 29 events listed below. These safety zones will be activated 1 hour prior to and conclude 1 hour following the duration of the event as listed in the following Table:

TABLE—DATES AND DURATIONS IN 2019 FOR EVENTS LISTED IN 33 CFR 165.1315 AND THE LOCATION OF THESE EVENTS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE

Event name (typically)	Event location	Date and duration of event	Latitude	Longitude
Splash Aberdeen Waterfront Festival	Aberdeen, WA	July 4, 2019 10 p.m. to 10:30 p.m	46°58′40″ N	123°47′45″ W
Astoria Warrenton 4th of July Fireworks	Astoria, OR	July 4, 2019 10 p.m. to 10:30 p.m	46°11′34″ N	123°49′28″ W
Bandon 4th of July	Bandon, OR	July 4, 2019 10 p.m. to 10:30 p.m	43°07′29″ N	124°25′05″ W
Brookings, OR July 4th Fireworks	Brookings, OR	July 4, 2019 9:30 p.m. to 10 p.m	42°02′39″ N	124°16′14″ W
Port of Cascade Locks 4th of July Fireworks.	Cascade Locks, OR	July 4, 2019 10 p.m. to 10:30 p.m	45°40′15″ N	121°53′43″ W
Bald Eagle Days	Cathlamet, WA	July 20, 2019 10 p.m. to 10:30 p.m	46°12′14″ N	123°23′17″ W
Clatskanie Heritage Days Fireworks	Clatskanie, OR	July 4, 2019 10 p.m. to 10:30 p.m	46°6′17″ N	123°12′02″ W
City of Coos Bay July 4th Celebration/ Fireworks Over the Bay.	Coos Bay, OR	July 4, 2019 10 p.m. to 10:30 p.m	43°22′06″ N	124°12′24″ W

TABLE—DATES AND DURATIONS IN 2019 FOR EVENTS LISTED IN 33 CFR 165.1315 AND THE LOCATION OF THESE EVENTS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE—Continued

Event name (typically)	Event location	Date and duration of event	Latitude	Longitude
Florence Independence Day Celebration	Florence, OR	July 4, 2019 10 p.m. to 10:30 p.m	43°58′09″ N	124°05′50″ W
Garibaldi Days Fireworks	Garibaldi, OR	July 27, 2019 10 p.m. to 10:30 p.m	45°33′13″ N	123°54′56″ W
July 4th Party at the Port of Gold Beach	Gold Beach, OR	July 4, 2019 10 p.m. to 10:30 p.m	42°25′30″ N	124°25′03″ W
Huntington 4th of July	Huntington, OR	July 4, 2019 10 p.m. to 10:30 p.m	44°18′02″ N	117°13′33″ W
Ilwaco July 4th Committee Fireworks/ Independence Day at the Port.	Ilwaco, WA	July 6, 2019 10 p.m. to 10:30 p.m	46°18′17″ N	124°02′00″ W
Lincoln City 4th of July	Lincoln City, OR	July 4, 2019 10 p.m. to 10:30 p.m	44°55′28″ N	124°01′31″ W
Waverly Country Club 4th of July Fireworks.	Milwaukie, OR	July 4, 2019 10 p.m. to 10:30 p.m	45°27′03″ N	122°39′18″ W
Cedco Inc./The Mill Casino Independence Day.	North Bend, OR	July 3, 2019 10 p.m. to 10:30 p.m	43°23′42″ N	124°12′55″ W
Port Orford 4th of July	Port Orford, OR	July 4, 2019 10 p.m. to 10:30 p.m	42°44′31″ N	124°29′30″ W
Oaks Park Association 4th of July	Portland, OR	July 4, 2019 10 p.m. to 10:30 p.m	45°28′22″ N	122°39′59″ W
Portland Rose Festival Fireworks	Portland, OR	May 24, 2019 9:45 p.m. to 10:30 p.m	45°30′58″ N	122°40′12″ W
Waterfront Blues Festival Fireworks	Portland, OR	July 4, 2019 10 p.m. to 10:30 p.m	45°30′42″ N	122°40′14″ W
City of Rainier/Rainier Days	Rainier, OR	July 13, 2019 10 p.m. to 10:30 p.m	46°05′46″ N	122°56′18″ W
City of St. Helens 4th of July Fireworks	St. Helens, OR	July 4, 2019 10 p.m. to 10:30 p.m	45°51′54″ N	122°47′26″ W
The Dalles Area Fourth of July	The Dalles, OR	July 4, 2019 10 p.m. to 10:30 p.m	45°36′18″ N	121°10′23″ W
Toledo Summer Festival	Toledo, OR	July 20, 2019 10 p.m. to 10:30 p.m	44°37′08″ N	123°56′24″ W
Waldport 4th of July	Waldport, OR	July 3, 2019 10 p.m. to 10:30 p.m	44°25′31″ N	124°04′44″ W
Washougal 4th of July	Washougal, WA	July 4, 2019 10 p.m. to 10:30 p.m	45°34′32″ N	122°22′53″ W
Westport 4th of July	Westport, WA	July 4, 2019 10 p.m. to 11 p.m	46°54′17″ N	124°05′59″ W
Winchester Bay 4th of July Fireworks	Winchester Bay, OR	July 4, 2019 10 p.m. to 10:30 p.m	43°40′56″ N	124°11′13″ W
Yachats 4th of July	Yachats, OR	July 4, 2019 10 p.m. to 10:30 p.m	44°18′38″ N	124°06′27″ W

All coordinates are listed in reference Datum NAD 1983.

The special requirements listed in 33 CFR 165.1315(b) apply to the activation and enforcement of these safety zones, along with special requirements for fireworks barges. Before any vessel operator may enter the designated zone, they must obtain permission from the Captain of the Port or their Designated Representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: May 13, 2019.

J.C. Smith,

Captain, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2019–10331 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AP99

Streamlining Annual Rate Publication for VA Educational Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) regulations regarding the monthly rates payable for the following educational assistance programs: Montgomery GI Bill—Active Duty (MGIB–AD), Montgomery GI Bill—Selected Reserve (MGIB–SR), and Survivors' and Dependents' Educational Assistance (DEA). Instead of publishing the monthly rates in regulations, VA will continue to publish the monthly rates annually on VA's Education Service rate tables website. This website publication provides the public with timely notification of the annual changes to monthly rates.

DATES: *Effective Date:* This rule is effective May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Schnell Carraway, Management and Program Analyst (225C), Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9632. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: The statutory amount of payment for basic educational assistance under the Montgomery GI Bill—Active Duty (MGIB–AD) program is set out in 38 U.S.C. 3015 and 3032, under the Montgomery GI Bill—Selected Reserve (MGIB–SR) program in 10 U.S.C. 16131, and under the Survivors' and Dependents' Educational Assistance (DEA) program in 38 U.S.C. 3532, 3686, and 3687.

In accordance with statutory requirements, VA annually adjusts the monthly rates of educational assistance payable under the MGIB–AD, MGIB–SR, and DEA programs to reflect cost-of-living increases. *See* 38 U.S.C. 3015(h); 10 U.S.C. 16131(b)(2); and 38 U.S.C. 3564. VA calculates the monthly rates based on the statutory provisions. Historically, VA annually revised its regulations with the updated calculated amounts.

Publication of the calculated amounts as regulatory amendments subject to the informal rulemaking process of the Administrative Procedure Act (APA) is unnecessary because the rates are set by statute and VA has no discretion in determining those rates. Furthermore, it is inefficient to utilize the rulemaking process as a vehicle for notifying the public of revised rates, because delays in the rulemaking process result in a delay in notification of the new rates to beneficiaries. Finally, the published monthly rates of educational assistance are often out-of-date because of the delay of publishing the monthly rates in regulations.

To reduce the administrative burden and improve the provision of notice of the changes in monthly rates payable for basic educational assistance under the MGIB–AD, MGIB–SR, and DEA programs, we are amending 38 CFR

21.3131, 38 CFR 21.7136, and 38 CFR 21.7636. Instead of publishing rates payable for various types and levels of training in regulations, we refer to the statutory provisions, which specify the rates, or, where the statute authorizes VA to provide an appropriately reduced rate by regulations, we provide a percentage by which VA will reduce the rate in regulations. We also refer to the GI Bill education and training website, currently located at: *http://www.benefits.va.gov/GIBILL/resources/benefits_resources/rate_tables.asp,* where, every year, VA will continue to publish the calculated rates, as increased annually to account for annual increases in the cost of living. VA has consistently made current rates available on its website, and this revision ensures that VA's regulations will notify the public of where to find the most up-to-date rates.

MGIB–AD

Although 38 U.S.C. 3015 establishes the rate of payment under the MGIB–AD program for full-time training only, section 3015(a)(2) and (b)(2) authorizes VA to establish an appropriate reduced rate in regulations for less than full-time training. VA established the rate of payment for educational assistance for less than full-time training under the MGIB–AD program in a 1990 regulatory amendment in 38 CFR 21.7136. *See* 55 FR 28382, 28386 (July 11, 1990). The rate of payment for various levels of less than full-time training was based on a percentage of the statutory amount for full-time training as VA determined appropriate: VA determined to pay ¾ time training at 75% of the full-time training rate; ½ time training at 50%; less than ½ time but more than ¼ time training at 50%, and less than ¼ time training at 25%. For veterans whose service is described in § 21.7136(a), the full-time rate in current § 21.7136(b)(1)(i)–(iii) is covered by new § 21.7136(b)(1), and the less than full-time rates of pursuit in current § 21.7136(b)(1)(i)–(iii) are covered by new § 21.7136(b)(2).

For veterans whose service is described in § 21.7136(a), the rates for apprenticeship or on-the-job training in current § 21.7136(b)(2) are covered by new § 21.7136(b)(3). The rates for apprenticeship or other on-job training are based on the limitations established in section 3032(c): First six months of training at 75% of the full-time training rate; second six months of training at 55%; and remaining pursuit of training at 35%. Also, the rate for cooperative training for these veterans in current § 21.7136(b)(3) is covered by new § 21.7136(b)(4). The rate for cooperative training is the same as the full-time rate covered by new § 21.7136(b)(1).

For veterans whose service is described in § 21.7136(c), the full-time rate in current § 21.7136(c)(1)(i)–(iii) is covered by new § 21.7136(c)(1), and the less than full-time rates of pursuit in current § 21.7136(c)(1)(i)–(iii) are covered by new § 21.7136(c)(2). Also, for these veterans, the rates for apprenticeship or other on-job training in current § 21.7136(c)(2) are covered by new § 21.7136(c)(3), and the rate for cooperative training in current § 21.7136(c)(3) is covered by new § 21.7136(c)(4).

New § 21.7136(i) provides that ''VA will publish the monthly rates of basic educational assistance payable under this section on the GI Bill education and training website each time there is an increase in the rates.''

MGIB–SR

New § 21.7636(a) provides that ''VA will publish the monthly rates of basic educational assistance payable under this section on the GI Bill education and training website each time there is an increase in the rates.''

For reservists pursuing institutional training, the rates of payment for the various rates of pursuit in current § 21.7636(a)(1)(i)–(ii) are covered by new § 21.7636(a)(1). The rates for apprenticeship or other on-job training in current § 21.7636(a)(2)(i)(A)–(B) and current § 21.7636(a)(2)(ii) are covered by new § 21.7636(a)(2). The rates for apprenticeship or other on-job training are based on the limitations established in 10 U.S.C. 16131(d)(1): First six months of training at 75% of the full-time training rate; second six months of training at 55%; and remaining pursuit of training at 35%. The rate for cooperative training in current § 21.7636(a)(3)(i)–(ii) is covered by new § 21.7636(a)(3). The rate for cooperative training is the same as the full-time rate covered by new § 21.7636(a)(1).

DEA

New § 21.3131(a)(1) provides that ''VA will publish the monthly rates of basic educational assistance payable under paragraph (a)(2) of this section on the GI Bill education and training website each time there is an increase in the rates.'' For an eligible survivor or dependent of a veteran, as defined in § 21.3021, the rates of payment for the various institutional rates of pursuit in current § 21.3131(a)(1)–(7) are covered by new § 21.3131(a)(2). The institutional rates are based on the rates provided in 38 U.S.C. 3532(a). The rates for apprenticeship or other on-job training, cooperative training (other than farm cooperative), farm cooperative training, and correspondence courses provided in current § 21.3131(a)(1)–(7) are covered by new § 21.3131(a)(2). The rates for apprenticeship or other on-job training are based on the rates provided in 38 U.S.C. 3687. *See* 38 U.S.C. 3534. The rate for cooperative training (other than farm cooperative) is the same as the full-time rate covered by new § 21.3131(a)(2). *See* 38 U.S.C. 3532(b). The rate for farm cooperative training is based on the rates provided in 38 U.S.C. 3532(c). The rate for correspondence courses is based on 38 U.S.C. 3534(b) and 3686.

We also revised the authority citation for § 21.3131 to include references to 38 U.S.C. 3534, 3564 and 3686, and to remove the reference to 38 U.S.C. 3542(a) governing special training allowances, which are not covered in § 21.3131.

Administrative Procedure Act

VA currently publishes on its Education Service website the monthly rates payable for MGIB–AD, MGIB–SR, and DEA, as increased annually to account for annual increases in the cost of living, and this rule ensures that VA's regulations will notify the public of where to find the most up-to-date rates. This rule does not make any substantive policy change or impact the calculation of rates for educational assistance but simply reflects a change in agency procedure or practice regarding publication of such rates, which are set by statute and over which VA has no discretion. As discussed above, it is inefficient to utilize the rulemaking process as a vehicle for notifying the public of revised rates, because delays in the rulemaking process result in a delay in notification of the new rates to beneficiaries. Finally, the published monthly rates of educational assistance are often out-of-date because of the delay of publishing the monthly rates in regulations.

To the extent the regulations being revised previously specified the payment amounts determined as prescribed by existing statute and regulation and these revised regulations merely describe the existing formulas for determining those rates, the rules are, at most, interpretive rules, because they merely reiterate and explain the existing statutory and regulatory requirements without establishing additional requirements or standards. *Paralyzed Veterans of Am.* v. *West,* 138 F.3d 1434, 1436 (Fed. Cir. 1998) (An interpretive rule ''simply indicates an agency's reading of a statute or a rule. It does not intend to create new rights or duties, but only reminds affected

parties of existing duties.'' (citation and internal quotation marks omitted)). To the extent the revised regulations specify the location at which VA publishes the current rates, they are rules of agency practice or procedure.

As a rule of agency procedure or practice and, at most, an interpretive rule reiterating and explaining statutory and regulatory requirements, this rule is exempt under 5 U.S.C. 553(b)(A) from the prior notice-and-comment requirements of 5 U.S.C. 553. Also, because this rule is not a substantive rule, it is exempt from the delayed effective date requirement under 5 U.S.C. 553(d).

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. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or 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 set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be 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 Fiscal Year to Date.''

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

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

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.

Paperwork Reduction Act of 1995

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are: 64.032, Montgomery GI Bill Selected Reserve; Reserve Educational Assistance Program; 64.117, Survivors and Dependents Educational Assistance; 64.120, Post-Vietnam Era Veterans' Educational Assistance; 64.124, All-Volunteer Force Educational Assistance.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interest, Defense Department, Education, Employment, Grants programs—education, Grants program—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expense, Veterans, Vocational education, Vocational rehabilitation.

Signing Authority

The Secretary of Veterans Affairs 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. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on April 25, 2019, for publication.

Dated: May 14, 2019.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 21 as set forth below:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

■ 1. The authority citation for part 21, subpart C, continues to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500–3566, and as noted in specific sections.

■ 2. Amend § 21.3131 by revising the section heading and paragraph (a) to read as follows:

§ 21.3131 Rates of payment.

(a) *Rates.* (1) VA will publish the monthly rates of basic educational assistance allowance payable under paragraph (a)(2) of this section on the GI Bill education and training website each time there is an increase in the rates.

(2) Except as provided in § 21.3132, the monthly rate of basic educational assistance allowance payable to an eligible person, as defined in § 21.3021, will be the applicable rate provided in 38 U.S.C. 3532, 3686 or 3687, as increased each fiscal year in accordance with 38 U.S.C. 3564 and 3687(d). The rate of pursuit will be determined in accordance with § 21.4270.

(Authority: 38 U.S.C. 3532, 3534, 3564, 3686, 3687)

* * * * *

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

■ 3. The authority citation for part 21, subpart K, continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, and as noted in specific sections.

■ 4. Amend § 21.7136 by revising paragraphs (b) and (c) and adding paragraph (i) to read as follows:

§ 21.7136 Rates of payment of basic educational assistance.

* * * * *

(b) *Rates for veterans whose service is described in paragraph (a) of this section*—(1) *Institutional training (full-time rate of pursuit).* Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (a) of this section and who is pursuing full-time institutional training will be the applicable rate provided in 38 U.S.C. 3015(a), as increased each fiscal year in accordance with 38 U.S.C. 3015(h).

(2) *Institutional training (less than full-time rate of pursuit).* Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (a) of this section and who is pursuing less than full-time institutional training, as determined in accordance with § 21.4270, will be the full-time rate described in paragraph (b)(1) of this section reduced proportionately based on the rate of pursuit in accordance with the following:

TABLE 1 TO PARAGRAPH (b)(2)

Training	Percentage of full-time monthly rate
¾ time	75
½ time	50
Less than ½ but more than ¼ time	50
¼ time	25

(3) *Apprenticeship or other on-job training.* The monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (a) of this section and who is pursuing apprenticeship or other on-job training will be the full-time rate described in paragraph (b)(1) of this section reduced in accordance with the following:

TABLE 2 TO PARAGRPAH (b)(3)

Training period	Percentage of full-time monthly rate
First six months of training	75
Second six months of training	55
Remaining pursuit of training	35

(4) *Cooperative training.* Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (a) of this section and who is pursuing cooperative training will be the full-time rate described in paragraph (b)(1) of this section.

(Authority: 38 U.S.C. 3015, 3032(c))

(c) *Rates for some veterans whose qualifying obligated period of active duty is less than three years.* If a veteran has established eligibility under § 21.7042, but the veteran's service is not described in paragraph (a)(2) of this section, the monthly rate of educational assistance payable to the veteran will be determined by this paragraph (c).

(1) *Institutional training (full-time rate of pursuit).* Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (c) of this section, and who is pursuing full-time institutional training, will be the applicable rate provided in 38 U.S.C. 3015(b)(1), as increased each fiscal year in accordance with 38 U.S.C. 3015(h).

(2) *Institutional training (less than full-time rate of pursuit).* Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (c) of this section and who is pursuing less than full-time institutional training, as determined in accordance with § 21.4270, will be the full-time rate described in paragraph (c)(1) of this section reduced proportionately based on the rate of pursuit in accordance with the following:

TABLE 3 TO PARAGRAPH (c)(2)

Training	Percentage of full-time monthly rate
¾ time	75
½ time	50
Less than ½ but more than ¼ time	50
¼ time	25

(3) *Apprenticeship or other on-job training.* The monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (c) of this section and who is pursuing of apprenticeship or other on-job training will be the full-time rate described in paragraph (c)(1) of this section reduced in accordance with the following:

TABLE 4 TO PARAGRAPH (c)(3)

Training period	Percentage of full-time monthly rate
First six months of training	75
Second six months of training	55
Remaining pursuit of training	35

(4) *Cooperative training.* Except as elsewhere provided in this section or in § 21.7139, the monthly rate of basic educational assistance payable to a veteran whose service is described in paragraph (c) of this section and who is pursuing cooperative training will be the full-time rate described in paragraph (c)(1) of this section.

(Authority: 38 U.S.C. 3015, 3032(c))

* * * * *

(i) *Publication of monthly rates.* VA will publish the monthly rates of basic educational assistance payable under this section on the GI Bill education and training website each time there is an increase in the rates.

Subpart L—Educational Assistance for Members of the Selected Reserve

■ 5. The authority citation for part 21, subpart L, continues to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, and as noted in specific sections.

■ 6. Amend § 21.7636 by revising paragraph (a) to read as follows:

§ 21.7636 Rates of payment.

(a) *Monthly rate of educational assistance.* VA will publish the monthly rates of basic educational assistance payable under this section on the GI Bill education and training website each time there is an increase in the rates.

(1) *Institutional training.* Except as otherwise provided in this section or in § 21.7639, the monthly rate of basic educational assistance payable to a reservist pursuing institutional training will be the applicable rate provided in 10 U.S.C. 16131(b)(1), as increased each fiscal year in accordance with 10 U.S.C. 16131(b)(2). The rate of pursuit will be determined in accordance with § 21.4270.

(2) *Apprenticeship and other on-the-job training.* (i) The monthly rate of basic educational assistance payable to a reservist pursuing apprenticeship or other on-the-job training will be a percentage of the full-time rate determined in paragraph (a)(1) of this section. In accordance with 10 U.S.C. 16131(d)(1), VA will determine the monthly rate payable by multiplying the full-time monthly rate payable to the

reservist by the applicable percentage based on the reservist's training period as follows:

TABLE 1 TO PARAGRAPH (a)(2)(i)

Training	Percentage of monthly rate payable
First six months of training ...	75
Second six months of training	55
Remaining pursuit of training	35

(ii) Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 30 hours unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

(3) *Cooperative training.* The monthly rate of basic educational assistance payable to a reservist pursuing cooperative training will be equal to the applicable full-time monthly rate determined in paragraph (a)(1) of this section.

(Authority: 10 U.S.C. 16131)

* * * * *

[FR Doc. 2019–10245 Filed 5–16–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0720, EPA–R04–OAR–2018–0759; FRL–9993–71–Region 4]

Air Plan Approval; GA and TN; Interstate Transport (Prongs 1 and 2) for the 2010 1-Hour NO_2 Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Environmental Protection Division (Georgia EPD), via a letter dated July 24, 2018, and the State of Tennessee, through the Tennessee Department of Environment & Conservation (TDEC), via a letter dated May 14, 2018, for the purpose of addressing the Clean Air Act (CAA or Act) ''good neighbor'' interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an ''infrastructure SIP.'' Specifically, EPA is approving these SIP revisions addressing prongs 1 and 2 to ensure that air emissions in each of these two states do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS in any other state.

DATES: This rule is effective June 17, 2019.

ADDRESSES: EPA has established dockets for these actions under Docket Identification Nos. EPA–R04–OAR–2018–0720 and EPA–R04–OAR–2018–0759. All documents in these dockets are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division (formerly the Air, Pesticides and Toxics Management Division), U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Evan Adams of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Adams can be reached by phone at (404) 562–9009 or via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 22, 2010, EPA established a new 1-hour primary NAAQS for NO_2 at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474 (February 9, 2010). This NAAQS is designed to protect against exposure to the entire group of nitrogen oxides (NO_X). NO_2 is the component of greatest concern and is used as the indicator for the larger group of NO_X. Emissions that lead to the formation of NO_2 generally also lead to the formation of other NO_X. Therefore, control measures that reduce NO_2 can generally be expected to reduce population exposures to all gaseous NO_X which may have the co-benefit of reducing the formation of ozone and fine particles both of which pose significant public health threats. For comprehensive information on the 2010 1-hour NO_2 NAAQS, please refer to the February 9, 2010, **Federal Register** notice. *See* 75 FR 6474.

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions. Unless otherwise noted below, EPA is following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's implementation plan for compliance with statutory and regulatory requirements, not for the state's implementation of its SIP. EPA has other authority to address any issues concerning a state's implementation of the regulations that comprise its SIP.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIPs. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). EPA sometimes refers to

the prong 1 and prong 2 conjointly as the ''good neighbor'' provision of the CAA. The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) and from interfering with measures to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

EPA's most recent infrastructure SIP guidance, the September 13, 2013, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' did not explicitly include criteria for how the Agency would evaluate infrastructure SIP submissions intended to address section 110(a)(2)(D)(i)(I). With respect to certain pollutants, such as ozone and particulate matter (PM), EPA has addressed interstate transport in eastern states in the context of regional rulemaking actions that quantify state emission reduction obligations. For NO_2, EPA has considered available information from states such as current air quality, emissions data and trends, and regulatory provisions that control source emissions to determine whether emissions from one state interfere with the attainment or maintenance of the NAAQS in another state. EPA's actions on Georgia's and Tennessee's CAA section 110(a)(2)(D)(i)(I) interstate transport SIP revisions for the 2010 NO_2 NAAQS are informed by these considerations.

In notices of proposed rulemaking (NPRMs) for Georgia (published on March 11, 2019, at 84 FR 8645), and Tennessee (published on March 11, 2019, at 84 FR 8643), EPA proposed to approve the Georgia and Tennessee SIP submissions on the basis that their SIPs adequately address prong 1 and prong 2 requirements for the 2010 1-hour NO_2 NAAQS. The details of the Georgia and Tennessee submissions and the rationale for EPA's actions are explained in the NPRMs.[1]

Comments on both proposed rulemakings were due on or before April 10, 2019. EPA received no comments on the NPRM related to the Georgia submittal and one comment on the NPRM related to the Tennessee submittal.[2] The sole comment on the Tennessee submittal is not a significant comment requiring a response because it is generalized and unsupported.[3]

II. Final Actions

As described above, EPA is approving the infrastructure SIP submissions transmitted under cover letter by the Georgia EPD on July 24, 2018, and TDEC on May 14, 2018, addressing prongs 1 and 2 of section 110(a)(2)(D)(i)(I) for the 2010 1-hour NO_2 NAAQS. EPA is approving these infrastructure SIP revisions because they are consistent with section 110 of the CAA.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 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. These actions merely approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions 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);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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).

The SIPs are not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, these rules do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will they impose substantial direct costs on tribal governments or preempt tribal law.

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 these actions 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**. These actions are not ''major rules'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the United

[1] EPA notes that it is only making a determination that the States' already-approved SIPs meet certain CAA requirements. EPA is not approving or removing any rules from the Georgia or Tennessee SIP.

[2] The comment on the Tennessee submittal is located in the docket for this action.

[3] *See, e.g., Home Box Office, Inc.* v. *FCC,* 567 F.2d 9, 35 n.58 (D.C. Cir. 1977) (citing *Portland Cement Ass'n* v. *Ruckelshaus,* 486 F.2d 375, 393–94 (D.C. Cir. 1973) (''In determining what points are significant, the 'arbitrary and capricious' standard of review must be kept in mind. Thus only comments which, if true, raise points relevant to the agency's decision and which, if adopted, would require a change in an agency's proposed rule cast doubt on the reasonableness of a position taken by the agency. Moreover, comments which themselves are purely speculative and do not disclose the factual or policy basis on which they rest require no response. There must be some basis for thinking a position taken in opposition to the agency is true.''); *Public Citizen, Inc.* v. *FAA,* 988 F.2d. 186, 197 (D.C. Cir. 1993) (citing *Home Box Office, Inc.* v. *FCC,* 567 F.2d 9, 35 n.58 (D.C. Cir. 1977)) (''We reiterate that to require response by the agency, comments must do more than simply state that the agency's premises or conclusions are wrong; they must explain why and on what basis the agency assertedly has erred.'').

States Court of Appeals for the appropriate circuit by July 16, 2019. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these actions 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 rules or actions. These actions may not be challenged later in proceedings to enforce their requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 6, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

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 L—Georgia

■ 2. In § 52.570, paragraph (e) is amended by adding an entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'' at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
* *	* *	*	*	*
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS.	Georgia	07/24/18	5/17/19 [Insert citation of publication].	Addressing Prongs 1 and 2 of section 110(a)(2)(D)(i) only.

Subpart RR—Tennessee

■ 3. In § 52.2220, paragraph (e) is amended by adding an entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'' at the end of the table to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS.	Tennessee	05/14/18	5/17/19 [Insert citation of publication].	Addressing Prongs 1 and 2 of section 110(a)(2)(D)(i) only.

[FR Doc. 2019–10187 Filed 5–16–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0801; FRL–9993–75–Region 10]

Air Plan Approval; OR; 2015 Ozone NAAQS Interstate Transport Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On September 25, 2018, the State of Oregon made a submission to the Environmental Protection Agency (EPA) to address these requirements for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA is approving the submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

DATES: This action is effective on June 17, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2018–0801. 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.,* 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: Claudia Vaupel, (206) 553–6121, *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

On March 5, 2019, the EPA proposed to approve Oregon's September 25, 2018 submittal as meeting the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2015 ozone NAAQS (84 FR 7854). An explanation of

the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on April 4, 2019. The EPA did not receive comments on the proposal.

II. Final Action

The EPA is approving Oregon's September 25, 2018 submittal as meeting the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2015 ozone NAAQS.

III. Statutory and Executive Orders Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 16, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: April 22, 2019.

Chris Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 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 MM—Oregon

■ 2. In § 52.1970, paragraph (e), table 5, is amended under the heading ''110(a)(2) Infrastructure and Intersate Transport'' by adding an entry for ''2015 Ozone NAAQS Interstate Transport'' immediately after the entry for ''Interstate Transport for the 2012 $PM_{2.5}$ NAAQS'' to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(e) * * *

TABLE 5—STATE OF OREGON AIR QUALITY CONTROL PROGRAM APPROVED BUT NOT INCORPORATED BY REFERENCE

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
* *	*	*	* *	* *
110(a)(2) Infrastructure and Interstate Transport				
* *	*	*	* *	* *
2015 Ozone NAAQS Interstate Transport.	Statewide	9/25/2018	5/17/2019, [Insert **Federal Register** citation].	This action addresses CAA 110(a)(2)(D)(i)(I).
* *	*	*	* *	* *

[FR Doc. 2019–10186 Filed 5–16–19; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R01–RCRA–2018–0431; FRL–9993–77–Region 1]

New Hampshire: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting New Hampshire final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on March 1, 2019, and provided for public comment. Four (4) comments were received during the public comment period. A summary and response to these comments is provided below. These comments did not affect EPA's decision. No further opportunity for comment will be provided.

DATES: This final authorization is effective May 17, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R01–RCRA–2018–0431. 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.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen Yee, RCRA Waste Management, UST & Pesticides Section, Land, Chemicals and Redevelopment Division, EPA Region 1, 5 Post Office Square, Suite 100 (Mail Code: 07–1), Boston, MA 02109–3912, Tel: (617) 918–1197; Fax: (617) 918–0197, email: *yee.steve@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. What changes to New Hampshire's hazardous waste program is EPA authorizing with this action?

On September 10, 2018, New Hampshire submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that New Hampshire's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the March 1, 2019, **Federal Register** at 84 FR 7010.

During the public comment period, EPA received four (4) comments. These comments can be found at: *https://www.federalregister.gov/documents/2019/03/01/2019–03590/new-hampshire-proposed-authorization-of-state-hazardous-waste-management-program-revisions.* EPA has reviewed these comments, which overall were supportive of EPA's proposed authorization, and did not identify any specific factual or legal deficiency in EPA's proposed authorization, or were outside the scope of EPA's proposed action. Accordingly, they have not altered EPA's final decision to authorize the New Hampshire's program revisions. EPA will forward these comments to the State for their consideration.

Also, the following additions and corrections will become part of the authorized program:

1. EPA inadvertently omitted two (2) Revision Checklists (RC) during the preparation of the Proposed Rule **Federal Register** Notice. These RCs were:

RC 82—Wood Preserving Listings, and

RC 192B—Land Disposal Restrictions (LDR) Correction. (RC 192B is cited in the Special Consolidated Checklist (SCC) Phases I–IV LDR as of 12/31/2002).

The revisions in the RCs were incorporated into the NH regulations and the provision are equivalent to the Federal regulations.

2. The following standalone checklists were inadvertently repeated in the SCC for the Phases I–IV LDRs as of 12/31/2002 during the preparation of the Propose Rule **Federal Register** Notice. They are:

RC 117A—''Mixture'' and ''Derived-From'' Rules; Response to Court Remand, and

RC 178—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills.

3. The following checklist was inadvertently listed in the SCC for Wood Preserving during the preparation of the Proposed Rule **Federal Register** Notice, it should have been listed in the SCC for the Phases I–IV LDRs as of 12/31/2002:

RC 162—Clarification of Standards for Hazardous Waste LDR Treatment Variances.

B. What is codification and is EPA codifying the New Hampshire's hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of New Hampshire's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart EE for the authorization of New Hampshire's program at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises New Hampshire's authorized hazardous waste management program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the March 1, 2019 **Federal Register** at 84 FR 7010. 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 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). This final action is effective May 17, 2019.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 1, 2019.

Deborah A. Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2019–10188 Filed 5–16–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[LLWO310000 L13100000 PP0000 19X]

RIN 1004–AE56

Onshore Oil and Gas Operations—Annual Civil Penalties Inflation Adjustments

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule adjusts the level of civil monetary penalties contained in the Bureau of Land Management's (BLM) regulations governing onshore oil and gas operations as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and consistent with applicable Office of Management and Budget (OMB) guidance. The adjustments made by this final rule constitute the 2019 annual inflation adjustments, accounting for one year of inflation spanning the period from October 2017 through October 2018.

DATES: This rule is effective on May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Steven Wells, Division Chief, Fluid Minerals Division, 202–912–7143, for information regarding the BLM's Fluid Minerals Program. For questions relating to regulatory process issues, please contact Jennifer Noe, Division of Regulatory Affairs, at 202–912–7442. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, 7 days a week to contact the above individuals.

SUPPLEMENTARY INFORMATION:

I. Background
II. Calculation of 2019 Adjustments
III. Procedural Requirements
A. Administrative Procedure Act.
B. Regulatory Planning and Review (E.O. 12866, E.O. 13563, and E.O. 13771)
C. Regulatory Flexibility Act
D. Small Business Regulatory Enforcement Fairness Act
E. Unfunded Mandates Reform Act
F. Takings (E.O. 12630)
G. Federalism (E.O. 13132)
H. Civil Justice Reform (E.O. 12988)
I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
J. Paperwork Reduction Act
K. National Environmental Policy Act
L. Effects on the Energy Supply (E.O. 13211)

I. Background

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the 2015 Act) became law, amending the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410).

The 2015 Act requires agencies to:

1. Adjust the level of civil monetary penalties for inflation with an initial ''catch-up'' adjustment through an interim final rulemaking in 2016;

2. Make subsequent annual adjustments for inflation beginning in 2017; and

3. Report annually in Agency Financial Reports on these inflation adjustments.

The purpose of these adjustments is to maintain the deterrent effect of civil monetary penalties and promote compliance with the law (*see* Pub. L. 101–410 at § 1).

As required by the 2015 Act, the BLM issued an interim final rule that adjusted the level of civil monetary penalties in BLM regulations with the initial ''catch-up'' adjustment (RIN 1004–AE46, 81 FR 41860), which was published on June 28, 2016, and became effective on July 28, 2016. On January 19, 2017, the BLM published a final rule (RIN 1004–AE49, 82 FR 6305) updating the civil penalty amounts to the 2017 annual adjustment levels. The final rule updating the civil penalty amounts to the 2018 annual adjustment levels was published on January 29, 2018 (RIN 1004–AE51, 83 FR 3992).

OMB issued Memorandum M–19–04 on December 14, 2018 (Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015) explaining agency responsibilities for identifying applicable penalties and calculating the annual adjustment for 2019 in accordance with the 2015 Act.

II. Calculation of 2019 Adjustment

In accordance with the 2015 Act and OMB Memorandum M–19–04, the BLM has identified applicable civil monetary penalties in its regulations and calculated the annual adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in

Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, nor does it include fees for services, licenses, permits, or other regulatory review. The calculated annual inflation adjustments are based on the percentage change between the Consumer Price Index for all Urban Consumers (CPI–U) for the October preceding the date of the adjustment, and the prior year's October CPI–U. Consistent with guidance in OMB Memorandum M–19–04, the BLM divided the October 2018 CPI–U by the October 2017 CPI–U to calculate the multiplier. In this case, October 2018 CPI–U (252.885)/October 2017 CPI–U (246.663) = 1.02522. OMB Memorandum M–19–04 confirms that this is the proper multiplier. (OMB Memorandum M–19–04 at 1 and n.4.)

The 2015 Act requires the BLM to adjust the civil penalty amounts in 43 CFR 3163.2. To accomplish this, BLM multiplied the current penalty amounts in 43 CFR 3163.2 paragraph (b)(2) and paragraphs (d), (e), and (f) by the multiplier set forth in OMB Memorandum M–19–04 (1.02522) to obtain the adjusted penalty amounts. The 2015 Act requires that the resulting amounts be rounded to the nearest $1.00 at the end of the calculation process.

The adjusted penalty amounts will take effect immediately upon publication of this rule. Pursuant to the 2015 Act, the adjusted civil penalty amounts apply to civil penalties assessed after the date the increase takes effect, even if the associated violation predates such increase. This final rule adjusts the following civil penalties:

CFR citation	Description of the penalty	Current penalty	Adjusted penalty
43 CFR 3163.2(b)(1)	Failure to comply	$1,069	$1,096
43 CFR 3163.2(b)(2)	If corrective action is not taken	10,697	10,967
43 CFR 3163.2(d)	If transporter fails to permit inspection for documentation	1,069	1,096
43 CFR 3163.2(e)	Failure to permit inspection, failure to notify	21,393	21,933
43 CFR 3163.2(f)	False or inaccurate documents; unlawful transfer or purchase	53,484	54,833

III. Procedural Requirements

A. Administrative Procedure Act

In accordance with the 2015 Act, agencies must adjust civil monetary penalties ''notwithstanding Section 553 of the Administrative Procedure Act'' (2015 Act at § 4(b)(2)). The BLM is promulgating this 2019 inflation adjustment for civil penalties as a final rule pursuant to the provisions of the 2015 Act and OMB guidance. A proposed rule is not required because the 2015 Act expressly exempts the annual inflation adjustments from the notice and comment requirements of the Administrative Procedure Act. In addition, since the 2015 Act does not give the BLM any discretion to vary the amount of the annual inflation adjustment for any given penalty to reflect any views or suggestions provided by commenters, it would serve no purpose to provide an opportunity for public comment on this rule.

B. Regulatory Planning and Review (Executive Orders 12866, 13563, and 13771)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the OMB will review all significant rules. OIRA has determined that this rule is not significant. (*See* OMB Memorandum M–19–04 at 3).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability and to reduce uncertainty and the use of the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science, and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements to the extent permitted by the 2015 Act.

E.O. 13771 of January 30, 2017, directs federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. E.O. 13771, however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. OIRA has determined that agency regulations exclusively implementing the annual adjustment are not significant regulatory actions under E.O. 12866, provided they are consistent with OMB Memorandum M–19–04 (*See* OMB Memorandum M–19–04 at 3). Therefore, E.O. 13771 does not apply to this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). The 2015 Act expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment (*see* 2015 Act at section 4 (b)(2)). Because the final rule in this case does not include publication of a proposed rule, the RFA does not apply to this final rule.

D. Small Business Regulatory Enforcement Fairness Act

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

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

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

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

This rule will potentially affect individuals and companies who conduct operations on oil and gas leases on Federal or Indian lands. The BLM believes that the vast majority of potentially affected entities will be small businesses as defined by the Small Business Administration (SBA). However, the BLM does not believe the rule will pose a significant economic impact on the industry, including any small entities, as any lessee can avoid being assessed civil penalties by operating in compliance with BLM rules and regulations.

E. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

F. Takings (E.O. 12630)

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

G. Federalism (E.O. 13132)

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

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

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

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

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

I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

J. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

K. National Environmental Policy Act

A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because, as a regulation of an administrative nature, the rule is covered by a categorical exclusion (*see* 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

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

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

List of Subjects 43 CFR Part 3160

Administrative practice and procedure; Government contracts; Indians-lands; Mineral royalties; Oil and gas exploration; Penalties; Public lands-mineral resources; Reporting and recordkeeping requirements.

For the reasons given in the preamble, the BLM amends Chapter II of Title 43 of the Code of Federal Regulations as follows:

PART 3160—ONSHORE OIL AND GAS OPERATIONS

■ 1. The authority citation for part 3160 continues to read as follows:

Authority: 25 U.S.C. 396d and 2107; 30 U.S.C. 189, 306, 359, and 1751; 43 U.S.C. 1732(b), 1733, 1740; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

Subpart 3163—Noncompliance, Assessments, and Penalties

§ 3163.2 [Amended]

■ 2. In § 3163.2:

■ a. In paragraph (b)(1), remove ''$1,069'' and add in its place ''$1,096''.

■ b. In paragraph (b)(2), remove ''$10,697'' and add in its place ''$10,967''.

■ c. In paragraph (d), remove ''$1,069'' and add in its place ''$1,096''.

■ d. In paragraph (e) introductory text, remove ''$21,393'' and add in its place ''$21,933''.

■ e. In paragraph (f) introductory text, remove ''$53,484'' and add in its place ''$54,833''.

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management, U.S. Department of the Interior.

[FR Doc. 2019–10149 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–84–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 515, 538, and 552

[GSAR Case 2013–G502; Docket 2019–0008; Sequence 1]

RIN 3090–AJ41

General Services Administration Acquisition Regulation (GSAR); Federal Supply Schedule Contracting (Administrative Changes); Correction

AGENCY: Office of Acquisition Policy, General Services Administration.

ACTION: Final rule; correction.

SUMMARY: GSA is issuing a correction to GSAR Case 2013–G502; Federal Supply Schedule Contracting (Administrative Changes), which was published in the **Federal Register** on April 23, 2019. This correction corrects GSAR clause numbers and titles.

DATES: *Effective:* May 23, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Bowman, General Services Acquisition Policy Division, GSA, 202–357–9652 or email *Dana.Bowman@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2013–G502; Corrections.

SUPPLEMENTARY INFORMATION:

Corrections

In rule FR Doc. 2019–08012, published in the **Federal Register** at 84 FR 17030, on April 23, 2019, make the following corrections:

Preamble Corrections

1. On page 17033, left column, paragraph 4. Revised Existing Clauses and Provisions, correct the GSAR clauses table to read as follows:

No.	Name	Description of change
552.212–71	Contract Terms and Conditions Applicable to GSA Acquisition Commercial Items.	Updated to remove unnecessary clauses and outdated FSS clauses.
552.238–73	Identification of Electronic Office Equipment Providing Accessibility for the Handicapped.	Prescription update to use only in FSS solicitations for electronic office equipment.
552.238–77	Submission and Distribution of Authorized Federal Supply Schedule (FSS) Price Lists.	Prescription updated to use in all FSS solicitations and contracts.
552.238–78	Identification of Products that have Environmental Attributes	Prescription updated to use only in FSS solicitations and contracts that contemplate items with environmental attributes.
552.238–79	Cancellation	Prescription updated to use in all FSS solicitations and contracts.
552.238–80	Industrial Funding Fee and Sales Reporting	Prescription updated to use in all FSS solicitations and contracts.
552.238–81	Price Reductions	Prescription updated to use in all FSS solicitations and contracts.
552.238–82	Modifications (Federal Supply Schedules)	Prescription updated to use in all FSS solicitations and contracts. (i) Use Alternate I for Federal Supply Schedules that only accept eMod.
552–238–83	Examination of Records by GSA (Federal Supply Schedules)	Relocated and retitled from 552.215–71, Examination of Records by GSA (Multiple Award Schedule) as this is an FSS-specific clause.
552.238–113	Scope of Contract (Eligible Ordering Activities)	Updated to reference the correct payment clause, FAR 52.232–36, Payment by Third Party.

2. On page 17034, left column, correct the first bulleted paragraph to read as follows:

• New Clauses and Provisions: Forty-three (43) new FSS-specific clauses and provisions were contemplated in the proposed rule for public comment. The proposed rule published incorrectly stated this number as thirty-five (35) and listed forty-five (45) clauses. However, 552.238–82 (Proposed Rule), now 552.238–86 (Final Rule), Delivery Schedule was incorrectly included in the ''new'' clause list rather than the ''reinstated'' clause list. In addition, 552.238–94 (Proposed Rule), now 552.238–83 (Final Rule), *Examination of Records by GSA (Federal Supply Schedules)* was incorrectly included in the ''new'' clause list rather than the ''revised existing'' clause list. So, the correct number was forty-three (43) ''new'' FSS-specific clauses in the proposed rule. After taking into consideration public comments received from the proposed rule, thirty (30) new FSS-specific clauses and provisions are incorporated into GSAR parts 538 and 552 in the final rule.

3. On page 17034, middle column, correct the first solidly bulleted paragraph to read as follows:

• Reinstated Clauses and Provisions: Seven (7) FSS-specific clauses and provisions were contemplated for reinstatement in the proposed rule for public comment. The proposed rule published incorrectly identified this number as six (6), because 552.238–82 (Proposed Rule), now 552.238–86 (Final Rule) Delivery Schedule was incorrectly included in the list of ''new'' FSS-specific clauses rather than the ''reinstated'' clauses. After taking into consideration public comments received from the proposed rule, four (4) FSS-specific clauses and provisions are reinstated into GSAR parts 538 and 552 in the final rule.

4. On page 17034, middle column, correct the second solidly bulleted paragraph to read as follows:

• Revised Existing Clauses and Provisions: Nine (9) existing clauses and provisions were contemplated for revision in the proposed rule for public comment. The proposed rule published incorrectly identified this number as seven (7) clauses. However, GSAR clause 552.238–94 *Examination of Records by GSA (Federal Supply Schedules)* (Proposed Rule), now 552.238–83 (Final Rule), was incorrectly included in the list of ''new'' FSS-specific clauses rather than the ''revised existing'' clauses. In addition, GSAR clause 552.238–78 *Scope of Contract (Eligible Ordering Activities)* (Proposed Rule), 552.238–113 (Final Rule), is revised to replace the reference to GSAR clause 552.232–79 *Payment by Credit Card,* which is redundant to FAR clause 52.232–36 *Payment by Third Party,* and is now included in the list of ''revised existing'' clauses.

Regulatory Text Corrections

■ 5. On page 17040, in 538.273, correct the last sentence in paragraph (d)(4) and correct paragraphs (d)(5) and (d)(6)(ii) to read as follows:

538.273 FSS solicitation provisions and contract clauses.

* * * * *

(d) * * *

(4) * * * Clause 552.238–81 Alternate I should also be used when vendors agree to include clause 552.238–80 Alternate I in the contract.

(5) 552.238–81, Price Reductions. Use Alternate I for Federal Supply Schedules with Transactional Data Reporting requirements. This alternate clause is used when vendors agree to include clause 552.238–80 Alternate I in the contract.

(6) * * *

(ii) Use Alternate II for Federal Supply Schedules with Transactional Data Reporting requirements. This alternate clause is used when vendors agree to include clause 552.238–80 Alternate I in the contract.

* * * * *

■ 6. On page 17046, right column, correct 552.238–83 to read as follows:

552.238–83 Examination of Records by GSA (Federal Supply Schedules).

As prescribed in 538.273(d)(7) insert the following clause:

Examination of Records by GSA (May 2019)

The Contractor agrees that the Administrator of General Services or any duly authorized representative shall have access to and the right to examine any books, documents, papers and records of the contractor involving transactions related to this contract for overbillings, billing errors, compliance with contract clauses 552.238–81, Price Reductions and 552.238–80, Industrial Funding Fee and Sales Reporting. This authority shall expire 3 years after final payment. The basic contract and each option shall be treated as separate contracts for purposes of applying this clause.

(End of clause)

552.238–88 [Corrected]

■ 7. In 552.238–88:
■ a. On page 17047, right column, in the second sentence in paragraph (a), correct ''552.238–111'' to read ''552.238–103''; and
■ b. On page 17048, left column, in paragraph (b), correct ''552.238–71'' to read ''552.238–77'' and correct ''552.238–81'' to read ''552.238–82''.

■ 8. On page 17050, middle column, correct 552.238–105 to read as follows:

552.238–105 Deliveries Beyond the Contractual Period—Placing of Orders.

As prescribed in 538.273(d)(29), insert the following clause:

Deliveries Beyond the Contractual Period—Placing of Orders (May 2019)

In accordance with Clause 552.238–113, Scope of Contract (Eligible Ordering Activities), this contract covers all requirements that may be ordered, as distinguished from delivered during the contract term. This is for the purpose of providing continuity of supply or operations by permitting ordering activities to place orders as requirements arise in the normal course of operations. Accordingly, any order mailed (or received, if forwarded by other means than through the mail) to the Contractor on or before the expiration date of the contract, and providing for delivery within the number of days specified in the contract, shall constitute a valid order.

(End of clause)

552.238–110 [Corrected]

■ 9. On page 17051, right column, in 552.238–110, in paragraph (c), correct ''552.238–90'' to read ''552.238–86''.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2019–09910 Filed 5–16–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 180427420–8420–02]

RIN 0648–BH92

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Revisions to Sea Turtle Release Gear; Amendment 49

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

ACTION: Final rule.

SUMMARY: NMFS implements management measures described in Amendment 49 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Gulf) (Amendment 49), as prepared and submitted by the Gulf of Mexico Fishery Management Council (Council). This final rule adds three new devices to the Federal regulations as options for fishermen with Federal commercial or charter vessel/headboat permits for Gulf reef fish to meet existing requirements for carrying sea turtle release gear on board vessels, and updates the regulations to simplify and clarify the requirements for other sea turtle release gear. This final rule also modifies the FMP framework procedure to allow for future changes to release gear and handling requirements for sea turtles and other protected resources. The purpose of this final rule is to allow the use of new devices to safely handle and release incidentally captured sea turtles, clarify existing requirements, and streamline the process for making any future changes to the release devices and handling procedures for sea turtles and other protected species.

DATES: This final rule is effective on June 17, 2019. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of June 17, 2019.

ADDRESSES: Electronic copies of Amendment 49 may be obtained from *www.regulations.gov* or from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/amendment-49-modify-sea-turtle-release-gear-and-reef-fish-framework-procedure.html.* Amendment 49 includes an environmental assessment, a fishery impact statement, a regulatory impact review, and a Regulatory Flexibility Act analysis.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305; email: *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

On October 4, 2018, NMFS published a notice of availability (NOA) for Amendment 49 and requested public comment (83 FR 50056). On October 25, 2018, NMFS published a proposed rule for Amendment 49 and requested public comment (83 FR 53839). Amendment 49 and the proposed rule outline the rationale for the actions contained in this final rule. A summary of the management measures described in Amendment 49 and implemented by this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule adds three new sea turtle handling and release devices to the Federal regulations, clarifies the requirements for other required gear previously approved, and modifies the FMP framework procedure to include any future changes to release gear and handling requirements for sea turtles and other protected resources. NMFS and the Council are making these changes to provide additional flexibility to fishermen in complying with sea turtle release gear requirements, to aid fishermen and law enforcement with compliance and enforcement efforts by clarifying existing requirements, and to allow for more rapid implementation of regulatory changes to release gear and handling requirements.

New Sea Turtle Release Gear

For vessels with Federal commercial and charter vessel/headboat permits for Gulf reef fish, this final rule adds three new sea turtle release and handling devices to the Federal regulations that have been approved for use by the NMFS Southeast Fisheries Science Center (SEFSC), providing more options for fishermen to fulfill the sea turtle gear requirements. Details for these new devices can be found in Amendment 49 and in the proposed rule, and is included in the 2019 NMFS SEFSC sea turtle handling and release protocols Technical Memorandum titled, ''Careful Release Protocols for Sea Turtle Release with Minimal Injury'' (Release Protocols). Detailed specifications for all SEFSC-approved handling and release devices are included in the new NMFS SEFSC Technical Memorandum titled, ''Design Standards and Equipment for Careful Release of Sea Turtles Caught in Hook-and-Line Fisheries.'' NMFS expects the new release devices to increase flexibility for fishermen and increase regulatory compliance within the fishery, which may result in positive benefits to sea turtles.

Two of the new sea turtle handling devices are a collapsible hoop net and a sea turtle hoist (net). Both of these devices are more compact versions of the previously approved long-handled

dip net, and they would be used for bringing an incidentally captured sea turtle on board the fishing vessel to remove fishing gear from the sea turtle. For the collapsible hoop net, the net portion is attached to hoops made of flexible stainless steel cable; when the collapsible hoop net is folded over on itself for storage, its size reduces to about half of its original diameter. Additionally, there are two versions of the sea turtle hoist. One version consists of the net portion securely fastened to a rigid frame, providing a relatively taut platform for the sea turtle to be brought on board. Another version creates a basket with the rigid frame and net that holds the sea turtle as it is brought on board. Both the collapsible hoop net and the sea turtle hoist use rope lines as handles attached to either side of the frame, in place of the long, rigid handle on the dip net. The collapsible hoop net or hoist can be used to bring sea turtles on board vessels with a high freeboard when it is not feasible to use or store a dip net on the vessel.

The third new device is a dehooker that can be used to remove an externally embedded hook from a sea turtle. This device has a squeeze handle that secures the hook into notches at the end of the shaft of the dehooker, so the hook can be twisted out. This new device provides another option for fishermen to comply with the regulations for a short-handled dehooker for external hooks.

Requirements for Existing Sea Turtle Release Gear

This final rule also updates the requirements of some previously approved devices for clarity and simplicity, and to aid fishermen and law enforcement with compliance and enforcement efforts. This final rule replaces ''approximately'' in the applicable regulations and provides precise specifications to clarify requirements for the dimensions or lengths of several devices. The revisions provide for either a minimum size dimension or a size range for the short-handled dehookers for external and internal hooks, the bite block on the short-handled internal use dehooker, the long-nose or needle-nose pliers, the bolt cutters, and the block of hard wood and hank of rope when used as mouth openers and gags. In general, these clarifications either establish the approximate dimensions previously approved as a minimum, or establish the smaller end of the size range for the required dimensions as a minimum. Other changes to release devices are listed below.

Previously approved regulations specify that short and long-handled dehookers must be constructed of grade 316L stainless steel, which is resistant to corrosion from salt water. SEFSC has also approved grade 304L stainless steel for the construction of all short-handled and long-handled dehookers. This additional grade of stainless steel is commonly available and is also corrosion resistant. This final rule allows for the construction of these dehookers to include 304L stainless steel.

Another required device to assist with removing fishing gear from a sea turtle is a pair of monofilament line cutters. SEFSC has clarified that the blade length must be a minimum of 1 inch (2.54 cm) but can be longer, and therefore, this final rule revises the blade length requirement.

Mouth openers and gags are another required gear type used to hold a sea turtle's mouth open to remove fishing gear. At least two of the seven types of mouth openers and gags are required on board. Previous regulations stated the canine mouth gags, an option for this gear requirement, had to have the ends covered with clear vinyl tubing, friction tape, or similar, to add more padding to the surface of the mouth gag. However, SEFSC has determined that this is not necessary and could result in the canine mouth gags not functioning properly. This final rule removes the requirement to cover the ends of the canine mouth gags with these materials from the regulations.

A life-saving device on a vessel, such as a personal flotation device or life ring buoy, may be used as the required cushion or support device for sea turtles brought aboard a vessel to remove fishing gear. This final rule adds regulatory language to clarify that any life-saving device used to fulfill the sea turtle safe handling requirements cannot also be used to meet U.S. Coast Guard safety requirements of one flotation device per person on board the vessel, *i.e.,* there must be an extra life-saving device on board to meet the requirement for a sea turtle cushion or support device.

Lastly, fishermen are required to maintain a copy of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release with Minimal Injury'' on each vessel for reference in the event a sea turtle is incidentally captured. This final rule allows fishermen to use an electronic or paper copy of the 2019 version of the Release Protocols document to fulfill the requirement, as long as the electronic copy is readily available for viewing and reference during a trip.

FMP Framework Procedure

To expand the Council and NMFS' ability to implement new release devices and handling requirements in a more timely manner, Amendment 49 and this final rule allow changes to the release gear and handling techniques for sea turtles and other protected species under the FMP framework procedure. For example, the Council could more quickly add a new release device for sea turtles if approved by SEFSC. The Council decided that making these changes through an expedited process may have beneficial biological and socio-economic impacts, especially if the changes respond to newer information. The Council concluded that the framework procedure would still allow adequate time for the public to comment on any future proposed regulatory changes.

Comments and Responses

NMFS received 11 comments during the public comment periods on the NOA and proposed rule for Amendment 49. The majority of the comments were in support of Amendment 49 and the proposed rule. NMFS acknowledges the comments in favor of all or part of the actions in Amendment 49 and the proposed rule, and agrees with them. Comments that were beyond the scope of the proposed rule are not responded to in this final rule. In this final rule, no changes were made in response to public comment on Amendment 49 or the proposed rule. One comment addressing an action in Amendment 49 and the proposed rule, as well as NMFS' response, is summarized below.

Comment 1: The action to remove the padding from the ends of the canine mouth gags is concerning, because they are an approved sea turtle handling and release device. The padded surface helps to hold the sea turtle's mouth open and keeps the mouth gag in place. Before implementing the final rule, further research should be conducted on the benefits of a padded surface to sea turtle safety.

Response: During the development of Amendment 49, the Council and NMFS discussed removing the requirement for vinyl tubing or other similar padding from the canine mouth gags. These gags are already manufactured with a small rubber pad on each end to provide protection and secure the device. SEFSC determined through previous experiences using the canine mouth gags on sea turtles that the additional tubing could prevent the gags from operating as intended and slip, which could cause the gag to dislodge during the removal of fishing gear and cause

injury to the sea turtle or the person removing the fishing gear. Therefore, this final rule removes the requirement for tubing or padding from canine mouth gags when used to comply with the sea turtle release gear requirements.

Changes to the Codified Text From the Proposed Rule

In this final rule, NMFS removes the introductory paragraph in appendix F to part 622 that originally appeared in the proposed rule for Amendment 49. NMFS has determined the introductory paragraph is not necessary.

This final rule corrects a paragraph reference in the regulatory text of the proposed rule located in appendix F, paragraph C.4. The paragraph reference A.3. for a long-handled J-style dehooker is corrected to read paragraph C.3.

This final rule modifies language in paragraph C.4.(a) of appendix F to part 622 for further consistency with the 2019 Release Protocols document. A long-handled gaff or another tool with a sharp point that may be used to grab or control fishing gear must never contact a sea turtle to avoid potentially serious injury to the animal.

In addition, NMFS corrects language that appeared in the regulatory text of the proposed rule in appendix F, paragraph C.12(b) to remove reference to specific grades of stainless steel for the canine mouth gags. Although this device was previously required to be constructed of stainless steel, the Council and SEFSC did not recommend specific grades of stainless steel for this device in Amendment 49. Canine mouth gags are manufactured primarily for use by veterinarians, and it is not possible to customize their construction using specific grades of stainless steel.

This final rule includes additional language in paragraph D. of appendix F to part 622 regulations to more completely summarize sea turtle handling and release techniques stated in the 2019 Release Protocols document.

NMFS made additional small edits to the regulatory text in appendix F to part 622 to improve consistency and readability, and reduce redundancy.

Finally, this final rule adds more information regarding materials that are incorporated by reference (IBR), *e.g.,* the 2019 Release Protocols document, including specifying in the part 622 regulations how fishermen and other interested parties can readily obtain these materials.

Incorporation by Reference

If a sea turtle is incidentally caught during fishing operations, the owner or operator of a federally permitted commercial vessel or a recreational charter vessel or headboat for Gulf reef fish must have the 2019 Release Protocols document (incorporated by reference, see § 622.29(b) below) available for reference on board to safely handle and release the animal. In addition, a placard summarizing sea turtle handling and release guidelines (incorporated by reference, see § 622.29(b) below) must be posted on the vessel. The Release Protocols document is a NOAA Technical Memorandum published by the NMFS Southeast Fisheries Science Center. The placard is also contained within the Release Protocols document, and the placard is available in English, Spanish, and Vietnamese. Both the Release Protocols document and placard are available at the NMFS Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701, phone: 727–824–5301, or for digital download and printing from this website: *https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/sea-turtle-and-smalltooth-sawfish-release-gear-protocols.html.*

Classification

The Regional Administrator for the NMFS Southeast Region has determined that this final rule is consistent with Amendment 49, the FMP, the Magnuson-Stevens Act, and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this final rule, why it is being implemented, and the purposes of this final rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this preamble.

The objectives of this final rule are to provide greater flexibility to vessels in the commercial reef fish fishing industry (*i.e.,* with Federal commercial Gulf reef fish permits) and for-hire reef fish fishing industry (*i.e.,* with Federal charter vessel/headboat Gulf reef fish permits) in complying with release gear regulations, clarify existing requirements of currently required release gear for fishery participants and law enforcement officers, and streamline the process for future revisions to release gear and handling procedures for incidentally captured sea turtles and other protected species after approval by the SEFSC.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this final rule would not have a significant economic impact on a substantial number of small entities. NMFS did not receive any comments from SBA's Office of Advocacy or the public regarding the economic analysis of Amendment 49 or the certification in the proposed rule. No changes to this final rule were made in response to public comments. The factual basis for the certification was published in the proposed rule and is not repeated here. Because this final rule is not expected to have a significant economic impact on a substantial number of small entities, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Charter vessel, Commercial, Fisheries, Fishing, Gulf of Mexico, Headboat, Incorporation by reference, Sea turtle.

Dated: May 10, 2019.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.29, revise paragraph (a)(1) and add paragraph (b) to read as follows:

§ 622.29 Conservation measures for protected resources.

(a) * * *

(1) *Sea turtle conservation measures.* (i) The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(a)(1) and (b), respectively, must have the 2019 version of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release with Minimal Injury'' available for reference on board electronically or have a paper copy on board inside the wheelhouse, or within a waterproof case if there is no wheelhouse. In addition, the NMFS sea turtle handling and release guidelines placard must be posted inside the wheelhouse or an easily viewable area on the vessel if there is no wheelhouse.

(ii) Such owner or operator must also comply with the sea turtle interaction

mitigation measures, including the release gear and handling requirements specified in paragraphs C. and D. in appendix F to this part.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a net or hoist, tire or other support device, short-handled dehooker(s) for internal and external hooks, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in appendix F to this part.

(iv) Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a net or hoist, tire or other support device, long-handled line clipper or cutter, short-handled dehooker(s) for internal and external hooks, long-handled dehooker(s) for internal and external hooks, a long-handled device to pull an inverted ''V'' in the fishing line, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in appendix F to this part.

* * * * *

(b) *Incorporation by reference.* The standards required in paragraph (a)(1) of this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701, phone: 727–824–5301, website: *https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/sea-turtle-and-smalltooth-sawfish-release-gear-protocols.html,* and is available from the sources listed in paragraphs (b)(1) and (2) of this section. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

(i) Careful Release Protocols for Sea Turtle Release with Minimal Injury, NOAA Technical Memorandum NMFS–SEFSC–735, Stokes, L., and Bergmann, C. (Editors), 2019.

(ii) [Reserved]

(2) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701.

(i) Sea Turtle Handling/Release Guidelines: Quick Reference for Hook and Line Fisheries, English, Spanish, Vietnamese, Revised April 2019.

(ii) [Reserved]

■ 3. In § 622.42, revise the introductory text and add paragraph (b) to read as follows:

§ 622.42 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Reef Fish Resources of the Gulf of Mexico, the RA may establish or modify the items specified in paragraph (a) of this section for Gulf reef fish, or paragraph (b) of this section for sea turtles and other protected species.

* * * * *

(b) Possession, specifications, and use of required release gear and handling requirements for sea turtles and other protected species.

■ 4. Amend appendix F to part 622 by:

■ a. Revising the appendix heading;

■ b. Revising the headings of paragraphs A. and B.; and

■ c. Adding paragraphs C. through E.

The revisions and additions read as follows:

Appendix F to Part 622—Specifications for Sea Turtle Release Gear and Handling Requirements

A. *Sea turtle release gear for the snapper-grouper fishery of the South Atlantic.*

* * * * *

B. *Sea turtle handling and release requirements for the snapper-grouper fishery of the South Atlantic.* * * *

* * * * *

C. *Sea turtle release gear for the reef fish fishery of the Gulf of Mexico.*

1. *Long-handled line clipper or cutter.* Line cutters are intended to cut fishing line as close as possible to the hook, and assist in removing line from an entangled sea turtle to minimize any remaining gear upon release. One long-handled line clipper or cutter and one set of replacement blades are required to be on board. The minimum design standards are as follows:

(a) *A protected and secured cutting blade.* The cutting blade(s) must be capable of cutting 2.0 to 2.1-mm (0.078 to 0.083-inch) diameter monofilament line (approximately 400 to 450-lb test strength) or polypropylene multistrand material, known as braided or tarred mainline, and the cutting blade must be maintained in working order. The cutting blade must be curved, recessed, contained in a holder, or otherwise designed to facilitate its safe use so that direct contact between the cutting surface and the sea turtle or the user is prevented. The cutting instrument must be securely attached to an extended reach handle and the blade(s) must be easily replaceable during a trip if necessary. The extra set of replacement blades must meet these standards and be carried on board to replace all cutting surfaces on the line cutter or clipper.

(b) *An extended reach handle.* The line cutter blade must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or a minimum length of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. There is no restriction on the type of material used to construct this handle as long as it is sturdy and facilitates the secure attachment of the cutting blade.

2. *Long-handled dehooker for internal hooks.* One long-handled dehooker to remove internal hooks from sea turtles that cannot be brought on board is required on the vessel. It should also be used to engage an unattached hook when a sea turtle is entangled but not hooked, and line is being removed. The design must shield the point of the hook and prevent the hook from re-engaging during the removal process. The minimum design standards are as follows:

(a) *Hook removal device.* The dehooker must be constructed of 3/16-inch (4.8-mm) to 5/16-inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than 1 7/8 inches (4.8 cm) outside diameter. The dehooker must securely engage and control the leader while shielding the point to prevent the hook from re-engaging during removal. It may not have any unprotected terminal points (including blunt ones), as these could cause injury to the esophagus during hook removal. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Extended reach handle.* The dehooking end that secures the fishhook must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or a minimum of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the dehooking end.

3. *Long-handled dehooker for external hooks.* One long-handled dehooker to remove external hooks from sea turtles that cannot be brought on board is required on the vessel. The long-handled dehooker for internal hooks described in paragraph C.2. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Hook removal device.* A long-handled dehooker must be constructed of 3/16-inch (4.8-mm) to 5/16-inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than 1 7/8 inches (4.8 cm) outside diameter. The dehooking end that secures the fishhook must be blunt with all edges rounded. The dehooker must be of a

size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Extended reach handle.* The handle must be a minimum length equal to the freeboard of the vessel or 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required.

4. *Long-handled device to pull an ''inverted V''.* One long-handled device to pull an ''inverted V'' is required on board. This tool is used to pull an ''inverted V'' in the fishing line when implementing the ''inverted V'' dehooking technique, as described in the 2019 version of the document titled ''Careful Release Protocols for Sea Turtle Release with Minimal Injury,'' for dehooking and disentangling sea turtles. A long-handled J-style dehooker as described in paragraph C.3. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Hook end.* This device, such as a standard boat hook or gaff must be constructed of stainless steel or aluminum; if a long-handled J-style dehooker is used to comply with this requirement, it must be constructed of 316L or 304L stainless steel. The semicircular or ''J'' shaped hook end must be securely attached to the handle to allow the hook end to engage and pull an ''inverted V'' in the fishing line. A gaff or any other tool with a sharp point is to be used only for holding fishing lines and must never contact the sea turtle.

(b) *Extended reach handle.* The handle must have a minimum length equal to the freeboard of the vessel or must be at least 6 ft (1.8 m) in length, whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the hook end.

5. *Net or hoist.* One approved net or hoist is required on board. These devices are to be used to facilitate safe handling of sea turtles by allowing them to be brought on board for fishing gear removal, without causing further injury to the animal. Sea turtles must not be brought on board without the use of a net or hoist. There must be no sharp edges or burrs on the hoop or frame, or where the hoop or frame attaches to the handle. There is no requirement for the hoop or frame to be circular as long as it meets the applicable minimum specifications. In this appendix, bar measure means the non-stretched distance between a side knot and a bottom knot of a net mesh; also known as the square mesh measurement. The types and minimum design standards for approved nets and hoists are as follows:

(a) *Dip net*—(i) *Size of the net.* The dip net must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh size must not exceed 3 inches (7.6 cm), bar measure. The net hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The dip net hoop or frame must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The handle and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant bending or distortion. The extended reach handle may break down into sections for storage, but it is not required.

(b) *Collapsible hoop net*—(i) *Size of the net.* The collapsible hoop net must have a sturdy net hoop of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh size must not exceed 3 inches (7.6 cm), bar measure. The net hoop must be strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The collapsible hoop net must be securely fastened with rope(s) or other line(s) connected to the hoop with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The rope(s) and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

(c) *Small hoist*—(i) *Size of the hoist.* The sea turtle hoist must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The net mesh size must not exceed 3 inches (7.6 cm), bar measure. If polyvinyl chloride, or PVC, pipe is used to construct the hoist, the pipe fittings must be glued together and a minimum strength of Schedule 40 pipe must be used. The hoist hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The sea turtle hoist must be securely fastened with ropes or other lines connected to the hoop or frame with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The ropes and hoist hoop or frame must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

6. *Cushion or support device.* A standard automobile tire free of exposed steel belts, a boat cushion, or any other comparable cushioned and elevated surface, is required for supporting a sea turtle in an upright orientation while the sea turtle is on board. The cushion or support device must be appropriately sized to fully support a range of sea turtle sizes. Any life-saving device that would be used to support a sea turtle on board must be dedicated for that purpose and in addition to all minimum human safety at sea requirements.

7. *Short-handled dehooker for internal hooks.* One short-handled dehooker for removing internal hooks is required on board. This dehooker is designed to remove internal hooks from sea turtles brought on board. This dehooker can also be used on external hooks. The minimum design standards are as follows:

(a) *General.* The dehooker must allow the hook to be secured and the hook point shielded without re-engaging during the removal process. It may not have any unprotected terminal points, including blunt ones, as this could cause injury to the esophagus during hook removal. A sliding plastic bite block must be permanently installed around the shaft to protect the beak and facilitate hook removal in case a sea turtle bites down on the dehooker. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The shaft must be 3⁄16 inch (4.8-mm) to 5⁄16 inch (7.9-mm) in diameter. The shaft must be 16 to 24 inches (40.6 cm to 60.7 cm) long, with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle, or similar. The bite block must be constructed of a 3⁄4 to 1-inch (1.9 to 2.5-cm) inside diameter high impact rated, rigid plastic cylinder (*e.g.,* Schedule 80 PVC) that is 4 to 6 inches (10.2 to 15.2 cm) long to allow for 5 inches (12.7 cm) of slide along the shaft. The dehooking end must be no larger than 1 7⁄8 inches (4.8 cm) outside diameter.

8. *Short-handled dehooker for external hooks.* One short-handled dehooker for external hooks is required on board. This dehooker is designed to remove external hooks from sea turtles brought on board. The short-handled dehooker for internal hooks required to comply with paragraph C.7. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Fixed handle dehooker*—(i) *General.* The dehooking end that secures the fishhook must be blunt and all edges rounded. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(ii) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The shaft must be 3⁄16 inch (4.8-mm) to 5⁄16 inch (7.9-mm) in diameter. The shaft must be 16 to 24 inches (40.6 to 60.7 cm) long with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle, or similar.

(b) *Squeeze handle dehooker*—(i) *General.* The dehooking end that secures the fishhook must be blunt and all edges rounded. The dehooker must be able to secure the range of hook sizes and styles used on the vessel. This dehooker secures a fishhook for removal by squeezing the handles together using one hand to grab and pull the hook into notches at the top of the shaft of the dehooker.

(ii) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The overall length must be a minimum of 11 inches (27.9 cm) long.

9. *Long-nose or needle-nose pliers.* One pair of long-nose or needle-nose pliers is required on board. Required long-nose or needle-nose pliers can be used to remove hooks from the sea turtle's flesh or for removing hooks from the front of the mouth. They can also hold PVC splice couplings in place, when used as mouth gags. The minimum design standards are as follows: The long-nose or needle-nose pliers must be a minimum of 11 inches (27.9 cm) in length. It is recommended that the pliers be constructed of stainless steel or other corrosion resistant metal material.

10. *Bolt cutters.* One pair of bolt cutters is required on board. Required bolt cutters may

be used to cut off the eye or barb of a hook to facilitate the hook removal without causing further injury to the sea turtle. They should also be used to cut off as much of the hook as possible, when the remainder of the hook cannot be removed. The minimum design standards are as follows: The bolt cutters must be a minimum of 14 inches (35.6 cm) in total length, with blades that are a minimum of 4 inches (10.2 cm) long and 2¼ inches (5.7 cm) wide, when closed. Required bolt cutters must be able to cut hard metals, such as stainless or carbon steel hooks, up to ¼-inch (6.4-mm) wire diameter, and they must be capable of cutting through the hooks used on the vessel.

11. *Monofilament line cutters.* One pair of monofilament line cutters is required on board. Required monofilament line cutters must be used to remove fishing line entangling a sea turtle, or to cut fishing line as close to the eye of the hook as possible if the hook is swallowed or if the hook cannot be removed. The minimum design standards are as follows: The monofilament line cutters must be a minimum of 6 inches (15.2 cm) in length. The blades must be a minimum of 1 inch (2.5 cm) in length and ⅝ inches (1.6 cm) wide, when closed.

12. *Mouth openers or mouth gags.* Required mouth openers and mouth gags are used to open sea turtle mouths, and to keep them open when removing internal hooks from sea turtles brought on board. They must allow access to the hook or line without causing further injury to the sea turtle. Design standards are included in the item descriptions. At least two of the seven different types of mouth openers or mouth gags described in paragraphs C.12.(a) through (g) of this appendix are required.

(a) *A block of hard wood.* A block of hard wood of a type that does not splinter (*e.g.,* maple) with rounded and smoothed edges, or a wooden-handled brush with the bristles removed. The dimensions must be a minimum of 10 inches (25.4 cm) by ¾ inch (1.9 cm) by ¾≤ inch (1.9 cm).

(b) *A set of three canine mouth gags.* A set of canine mouth gags must include one of each of the following sizes: Small (5 inches, 12.7 cm), medium (6 inches, 15.2 cm), and large (7 inches, 17.8 cm). They must be constructed of stainless steel.

(c) *A set of two sturdy dog chew bones.* Required canine chews must be constructed of durable nylon or thermoplastic polymer, and strong enough to withstand biting without splintering. To accommodate a variety of sea turtle beak sizes, a set must include one large (5½ to 8 inches (14 cm to 20.3 cm) in length), and one small (3½ to 4½ inches (8.9 cm to 11.4 cm) in length) canine chew bones.

(d) *A set of two rope loops covered with protective tubing.* A required set consists of two 3-ft (0.9-m) lengths of poly braid rope (⅜-inch (9.5-mm) diameter suggested), each covered with an 8-inch (20.3-cm) long section of ½-inch (1.3-cm) to ¾-inch (1.9-cm) diameter light duty garden hose or similar flexible tubing, and each rope tied into a loop.

(e) *A hank of rope.* A length of soft braided or twisted nylon rope a minimum of 3/16-inch (4.8-mm) diameter must be folded to create a hank, or looped bundle, of rope. The rope must create a hank of 2 to 4 inches (5.1 cm to 10.2 cm) in thickness.

(f) *A set of four PVC splice couplings.* A required set must consist of the following Schedule 40 PVC splice coupling sizes: 1 inch (2.5 cm), 1¼ inch (3.2 cm), 1½ inch (3.8 cm), and 2 inches (5.1 cm). PVC splice couplings are held in a sea turtle's mouth with the needle-nose pliers.

(g) *A large avian oral speculum.* The avian oral speculum must be 9 inches (22.9 cm) long, and constructed of 3/16-inch (4.8-mm) wire diameter 304 stainless steel. The wire must be covered with 8 inches (20.3 cm) of clear vinyl tubing (5/16-inch (7.9-mm) outside diameter, 3/16-inch (4.8-mm) inside diameter), friction tape, or similar to pad the surface.

D. *Sea turtle handling requirements for the reef fish fishery of the Gulf of Mexico.* Any sea turtle incidentally captured during fishing operations must be handled, and release gear must be used, in accordance with the NMFS careful handling, resuscitation, and release protocols as specified in this appendix, in the 2019 version of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release with Minimal Injury'', or on the NMFS sea turtle handling and release guidelines placard.

1. *Sea turtles brought on board.* When practicable, both active and comatose (inactive) sea turtles must be brought on board the vessel without causing further injury to the animal, using a net or hoist as specified in paragraph C.5. of this appendix. Release gear specified in paragraphs C.6. through C.12. of this appendix must be used to remove fishing gear from sea turtles. All sea turtles up to 3 ft (0.9 m) carapace (shell) length must be brought on board to remove fishing gear if sea conditions allow.

(a) Place a sea turtle upright on its bottom shell on a cushion or support device, as specified in paragraph C.6. of this appendix, to immobilize it and facilitate gear removal. Then, determine if the fishing gear can be removed without causing further injury. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt to remove a hook should be made if it has been swallowed and the insertion point of the hook is not clearly visible, or if it is determined that removal would result in further injury to the sea turtle.

(b) If a hook cannot be removed, remove as much line as possible from the sea turtle and the hook using monofilament cutters as specified in paragraph C.11. of this appendix, and as much of the hook as possible should be removed before releasing the sea turtle, using bolt cutters as specified in paragraph C.10. of this appendix.

(c) If a hook can be removed, an effective technique may be to cut off the barb or the eye of the hook using bolt cutters, and then to slide the hook out. When the hook is visible in the mouth, a mouth opener or mouth gag, as specified in paragraph C.12. of this appendix, may facilitate opening the sea turtle's mouth and keeping the mouth open. Short-handled dehookers for internal hooks, or long-nose or needle-nose pliers, as specified in paragraphs C.7. and C.8. of this appendix, respectively, should be used to remove visible hooks from the mouth that have not been swallowed on boated sea turtles, as appropriate.

(d) If a sea turtle appears comatose or inactive, follow the NMFS resuscitation protocols to attempt revival before its release. As much gear as possible must be removed from the sea turtle without causing further injury prior to its release.

(e) *Sea turtle resuscitation.* Resuscitation must be attempted on any sea turtle that is comatose or appears inactive by:

(i) Place the sea turtle upright on its bottom shell and elevate its hindquarters at least 6 inches (15.2 cm) to drain any water from the sea turtle for a period of at least 4 hours and up to 24 hours. The amount of the elevation depends on the size of the sea turtle; greater elevations are needed for larger sea turtles.

(ii) Periodically rock the sea turtle gently from left to right by holding the outer edge of the shell (carapace) and lift one side about 3 inches (7.6 cm), and then alternate to the other side.

(iii) The sea turtle being resuscitated must be shaded and kept damp or moist. Do not put the sea turtle into a container holding water. A water-soaked towel placed over the head, shell, and flippers is the most effective method to keep a sea turtle moist.

(iv) Gently touch the corner of the eye and pinch the tail (reflex test) periodically to see if there is a response indicating the sea turtle may be recovering.

(f) *Sea turtle release.* A sea turtle that is actively moving or determined to be dead as described in paragraph D.1.(g) of this appendix must be released. Release the sea turtle when fishing gear is not in use to avoid recapturing the sea turtle. Place the engine gear in neutral position, and then lower the sea turtle into the water from a low part on the vessel, in an area where the sea turtle is unlikely to be recaptured or injured by vessels.

(g) A sea turtle is determined to be dead if the muscles are stiff (*rigor mortis*) and/or the flesh has begun to rot; otherwise the sea turtle is determined to be comatose or inactive, and resuscitation attempts are necessary as specified in paragraph D.1.(e) of this appendix.

(h) A sea turtle that fails to respond to the reflex test or fails to move within 4 hours (up to 24 hours if possible) must be returned to the water in the same manner as that for an actively moving sea turtle.

2. *Sea turtles that cannot be brought on board.* If a sea turtle is too large, or is hooked or entangled in a manner that prevents bringing the sea turtle on board safely and without causing further injury, release gear specified in paragraphs C.1. through C.4. of this appendix must be used to remove the maximum amount of fishing gear from the sea turtle, or to remove as much line as possible from the sea turtle or from a hook that cannot be removed prior to releasing the sea turtle.

(a) A non-boated sea turtle should be brought close to the boat. Then, determine whether the hook can be removed without causing further injury to the sea turtle. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt

should be made to remove a hook if it has been swallowed and the insertion point is not clearly visible, or if it is determined that removal would result in further injury.

(b) If the hook cannot be removed or if the sea turtle is only entangled, remove as much line as possible prior to its release using a long-handled line cutter specified in paragraph C.1. of this appendix.

(c) If the hook can be removed, it must be removed using the appropriate long-handled dehooker specified in paragraph C.2. or C.3. of this appendix. Without causing further injury, as much gear as possible must be removed from the sea turtle prior to its release.

(3) Any sea turtle taken incidentally while fishing, regardless of whether the sea turtle is alive or dead, or whether it is brought on board, must not be consumed, sold, landed, offloaded, transshipped, or kept below deck.

E. *Incorporation by reference.* The standards required in paragraphs C. and D. of this appendix are incorporated by reference into this appendix with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701, phone: 727–824–5301, website: *https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/sea-turtle-and-smalltooth-sawfish-release-gear-protocols.html,* and is available from the sources listed in paragraphs E.1. and E.2. of this appendix. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

1. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

(a) Careful Release Protocols for Sea Turtle Release with Minimal Injury, NOAA Technical Memorandum NMFS–SEFSC–735, Stokes, L., and Bergmann, C. (Editors), 2019.

(b) [Reserved]

2. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701.

(a) Sea Turtle Handling/Release Guidelines: Quick Reference for Hook and Line Fisheries, English, Spanish, Vietnamese, Revised April 2019.

(b) [Reserved]

[FR Doc. 2019–10052 Filed 5–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 190213109–9385–02]

RIN 0648–BI63

Temporary Rule To Establish Management Measures for Red Grouper in the Gulf of Mexico

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

ACTION: Final temporary rule; emergency action.

SUMMARY: NMFS issues an emergency rule as requested by the Gulf of Mexico Fishery Management Council (Council) to address concerns that the Gulf of Mexico (Gulf) red grouper stock may be in decline. This emergency rule reduces the commercial and recreational annual catch limits (ACLs) and annual catch targets (ACTs). This emergency rule is effective for 180 days, although NMFS may extend this emergency rule's effectiveness for a maximum of an additional 186 days. The intended effect of this emergency rule is to provide a temporary reduction in Gulf red grouper harvest levels to protect the stock from overharvest while the Council develops a framework action to reduce the red grouper catch limits on a more long-term basis.

DATES: This final temporary rule is effective *on* May 17, 2019, *through* November 13, 2019.

ADDRESSES: Electronic copies of the documents in support of this emergency rule, which include an environmental assessment (EA), may be obtained from the Southeast Regional Office website at *http://sero.nmfs.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Peter Hood, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage Gulf reef fish, including red grouper, under the Fishery Management Plan for Reef Fish Resources of the Gulf (FMP). The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act provides the legal authority for the promulgation of emergency regulations under section 305(c) (16 U.S.C. 1855(c)).

On March 5, 2019, NMFS published a proposed temporary rule for emergency action in the **Federal Register** and requested public comment (84 FR 7864). The proposed emergency rule and the EA outline the rationale for the actions contained in this final emergency rule. A summary of the management measures described in the EA and implemented through this emergency rule is provided below.

All weights in this emergency rule are in gutted weight. The current red grouper commercial and recreational ACLs and ACTs were implemented through a framework action to the FMP in 2016 (81 FR 70365, October 12, 2016). These values were based on a red grouper stock ACL equal to 10.70 million lb (4.85 million kg). The current sector allocation for red grouper is 76 percent commercial and 24 percent recreational, and the commercial and recreational ACTs reduce the sector-specific ACLs by 95 percent and 92 percent, respectively. The current red grouper commercial ACL is 8,190,000 lb (3,714,922 kg) and the commercial ACT (commercial quota) is 7,780,000 lb (3,528,949 kg). The current red grouper recreational ACL is 2,580,000 lb (1,170,268 kg) and the recreational ACT is 2,370,000 lb (1,075,014 kg).

Currently, the red grouper stock is not considered to be overfished or undergoing overfishing. However, recent information suggests the condition of the red grouper stock has declined. Information supporting this conclusion includes reduced commercial and recreational landings, an interim analysis of the stock, testimony from fishermen at Council meetings, and recent red tide events in the eastern Gulf. These factors caused the Council to request emergency action to reduce the red grouper ACLs and ACTs while it considers a longer-term reduction through a framework action to the FMP. The Council requested that NMFS reduce the Gulf red grouper stock ACL for the 2019 fishing year to 4.60 million lb (2.09 million kg), as recommended by the Council's Scientific and Statiscal Committee (SSC), or the 2017 total red grouper landings, whichever is less.

The 2017 combined red grouper commercial and recreational landings (approximately 4.16 million lb (1.89 million kg)) are less than the SSC's recommendation. Therefore, NMFS implements this final emergency rule to reduce the red grouper commercial and recreational ACLs and ACTs consistent with a stock ACL of 4.16 million lb (1.89 million kg). This emergency rule is effective for 180 days, although NMFS may extend the emergency rule's

effectiveness for a maximum of an additional 186 days. This would allow for sufficient time for the Council and NMFS to develop and implement a new framework action to manage the red grouper stock for the 2020 fishing year and beyond.

Measures Contained in This Final Emergency Rule

For red grouper, this emergency rule revises the red grouper stock ACL to 4.16 million lb (1.89 million kg). Applying the commercial allocation of 76 percent to the stock ACL of 4.16 million lb (1.89 million kg) results in a commercial ACL of 3.16 million lb (1.43 million kg). The commercial ACT is set at 95 percent of the commercial ACL, or 3.00 million lb (1.36 million kg).

Because commercial red grouper is managed under an individual fishing quota (IFQ) program, NMFS distributes IFQ allocation to the program shareholders on January 1 of each year. After NMFS distributes the applicable commercial quota to shareholders, it cannot be recalled. Therefore, in anticipation of this final emergency rule reducing the commercial quota, NMFS withheld distribution of 59.4 percent, equivalent to 4.78 million lb (2.17 million kg) of red grouper IFQ allocation through a temporary rule effective on January 1, 2019 (83 FR 64480, December 17, 2018). If the commercial quota reduction implemented through this final emergency rule is not effective by June 1, 2019, the withheld commercial quota will be redistributed to the shareholders.

For the recreational sector, 24 percent of the 4.16 million lb (1.89 million kg) revised total stock ACL results in a recreational ACL of 1.00 million lb (0.45 million kg). The recreational ACT is set at 92 percent of the recreational ACL, or 0.92 million lb (0.42 million kg).

Emergency Rule Criteria

NMFS' Policy Guidelines for the Use of Emergency Rules (62 FR 44421, August 21, 1997) list three criteria for determining whether an emergency exists, and this final emergency rule is promulgated under these criteria. Specifically, NMFS' policy guidelines require that an emergency:

(1) Result from recent, unforeseen events or recently discovered circumstances; and

(2) Present serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

NMFS has determined that reducing the red grouper 2019 commercial and recreational ACLs and ACTs for 2019 meets the three criteria required for an emergency rule. The new red grouper interim analysis developed by the NMFS Southeast Fisheries Science Center (SEFSC) and subsequent SSC recommendation were presented to the Council at its October 2018 meeting and constitute recently discovered circumstances. In addition, public testimony at the October Council meeting expressed concern about the status of the red grouper stock, noting that red grouper appear to be scarcer in abundance than in previous years. The severe red tide event that occurred in summer and fall 2018 off the Florida west coast was also unforeseen and may have adversely affected the red grouper stock. Although the impacts of this recent red tide are unknown, the 2009 Southeast Data Assessment and Review (SEDAR) 12 update assessment and 2015 SEDAR 42 assessment indicated that a similar 2005 red tide event depressed the red grouper spawning stock biomass. The SEDAR 61 red grouper stock assessment is presently underway and NMFS expects to present the results to the Council's SSC in July 2019.

Without this emergency rule, the red grouper ACLs and ACTs could not be effectively reduced for the 2019 fishing year. This could present a serious conservation problem if the red grouper stock is in decline, as the reduction in landings, public comment, and interim analysis suggest.

Based on the Council's request for an interim or emergency rule, in its December 17, 2018, temporary rule, NMFS withheld the IFQ allocation equal to this emergency rule's reduction in the commercial ACT (quota)(83 FR 64480). This final emergency rule meets the third criteria for an emergency because it would reduce the commercial quota to be effective prior to June 1, 2019. This would provide protection to the red grouper stock while the Council and NMFS develop and implement a framework action that will address the new information about the stock, including the SEDAR 61 assessment, for the 2020 fishing year and beyond.

Comments and Responses

NMFS received 17 comments on the proposed temporary rule for emergency action. The majority of the comments supported the action. Some comments supporting the action also contained suggestions for additional management measures that are outside the scope of the Council's request for interim or emergency action such as seasonal closures, reduced recreational bag limits, and state management of the red grouper recreational sector. No changes to this final rule were made as a result of public comment. Comments that were specific to the proposed temporary rule for emergency action are summarized and responded to below.

Comment 1: The emergency action is not of a long enough duration to provide sufficient protection to the red grouper stock.

Response: NMFS agrees that long-term measures may be needed to protect Gulf red grouper stock. The Council requested emergency action to address concerns regarding the Gulf red grouper stock and reduce the catch levels for 2019. The Council developed more long-term measures through a framework action that would continue the ACL and ACT reductions contained in this emergency rule in 2020 and beyond. The Council approved this framework action at its April 2019 meeting. NMFS will evaluate the framework action for consistency with the FMP, Magnuson-Stevens Act, and other applicable law, and will publish a proposed rule if appropriate.

Comment 2: The red grouper stock is healthy and so neither the commercial nor recreational catch levels need to be reduced.

Response: NMFS disagrees. Several factors support this emergency action. At their October 2018 meeting, the Council received a recommendation from its SSC to reduce the red grouper commercial and recreational ACLs and ACTs beginning in the 2019 fishing year. This recommendation was based on a NMFS SEFSC analysis that suggested the Gulf red snapper stock may be in decline. In addition, fishermen expressed concern about the condition of the red grouper stock because recent harvests have been well below the current catch levels. Finally, the Council noted the severe red tide conditions that occurred in the summer and fall of 2018 off the Florida west coast. The red grouper stock has been shown to be adversely affected by past red tide events similar to the event that occurred in 2018. Therefore, the Council concluded, and NMFS agrees, that this action should be taken to reduce the red grouper catch levels for 2019.

Comment 3: NMFS should not reduce catch levels through this emergency rule. If the red grouper stock cannot support a two-fish daily recreational bag limit, then NMFS should close commercial fishing for red grouper.

Response: A complete closure of the commercial sector is beyond the scope of the action requested by the Council and implemented through this emergency rule. The commercial sector is managed under an IFQ program, which allows for the harvest of red grouper as long as IFQ participants have allocation available. However, NMFS notes that the catch levels established through this rule are equal to 2017 harvest levels and recreational red grouper fishing did not close in 2017. Therefore, NMFS expects the recreational season to remain open throughout 2019 under the current 2-fish red grouper recreational bag limit.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Act, 16 U.S.C. 1855(c). The Assistant Administrator for Fisheries, NOAA (AA), has determined that this emergency rule is necessary to provide increased protection for the Gulf red grouper stock and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is being taken pursuant to the emergency provision of Magnuson-Stevens Act and is exempt from review by the Office of Management and Budget.

NMFS published the proposed temporary emergency rule on March 5, 2019 (84 FR 7864), and prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany the proposed action. The IRFA concluded that the action would have a significant adverse impact on the average annual 330 small commercial fishing businesses and their combined 376 federally permitted fishing vessels that harvest red grouper from the Gulf. The comment period for the proposed rulemaking closed on March 20, 2019.

A final regulatory flexibility analysis (FRFA) parallels the IRFA and must also include a summary of significant issues raised by public comments in response to the IRFA, any changes in the action in response to those comments or new information, a description of the steps the agency took to minimize the adverse economic impact on small entities, and why it selected the alternative adopted.

No comments were received on the IRFA or on the economic impacts of the rule on small entities more generally. NMFS has not received any new information that would affect its previous determination. As a result, the estimates and conclusions of the IRFA have not changed.

This rule will reduce the red grouper quota in 2019 to 3.00 million lb (1.36 million kg). NMFS considered two other alternatives to the rule: either no change in the quota or a reduction to 3.32 million lb (1.51 million kg). The no-action alternative has no short-term impacts on small businesses, but was not selected because it allows for declining status of the stock. The second non-selected alternative has smaller short-term costs than the selected alternative, but it may not provide for sufficient protection of the stock.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as small entity compliance guides. As part of the rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all interested parties.

This final emergency rule responds to the best scientific information available. The AA finds that the need to immediately implement this action constitutes good cause to waive the 30-day delay in this final emergency rule's effectiveness, pursuant to the authority set forth in 5 U.S.C. 553(d)(3), as such procedure for this final emergency rule would be contrary to the public interest.

Delaying the effectiveness of this emergency rule for 30 days would be contrary to the public interest because of the need to implement this action before June 1, 2019, in order to protect the red grouper stock. If the reduction in the ACL is not effective by June 1, additional allocation will be released to the current red grouper shareholders. Once released, the allocation cannot be recalled, and the reduction in the catch levels cannot be implemented for 2019.

Accordingly, the 30-day delay in effectiveness of the measures contained in this emergency rule is waived.

List of Subjects in 50 CFR Part 622

Annual catch limits, Fisheries, Fishing, Gulf of Mexico, Red grouper, Quotas.

Dated: May 14, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.39, suspend paragraph (a)(1)(iii)(C) and add paragraph (a)(1)(iii)(D) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(D) *Red grouper*—3.00 million lb (1.36 million kg).

* * * * *

■ 3. In § 622.41, suspend paragraph (e) and add paragraph (r) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(r) *Red grouper*—(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial red grouper. The applicable commercial ACL for red grouper, in gutted weight, is 3.16 million lb (1.43 million kg).

(2) *Recreational sector.* (i) Without regard to overfished status, if red grouper recreational landings, as estimated by the SRD, reach or are projected to reach the applicable ACL specified in paragraph (r)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register, to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit of red grouper in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) Without regard to overfished status, and in addition to the measures specified in paragraph (r)(2)(i) of this section, if red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (r)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register to maintain the red grouper ACT, specified in paragraph (r)(2)(iv) of this section, for that following fishing year at the level of the prior year's ACT, unless the best scientific information available

determines that maintaining the prior year's ACT is unnecessary. In addition, the notification will reduce the length of the recreational red grouper fishing season the following fishing year by the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT in the following fishing year.

(iii) If red grouper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (r)(2)(iv) of this section, the following measures will apply. In addition to the measures specified in paragraphs (r)(2)(i) and (ii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the ACL overage in the prior fishing year, and reduce the ACT, as determined in paragraph (r)(2)(ii) of this section, by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iv) The recreational ACL for red grouper, in gutted weight, is 1.00 million lb (0.45 million kg). The recreational ACT for red grouper, in gutted weight, is 0.92 million lb (0.42 million kg).

[FR Doc. 2019–10322 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 190312234–9412–01]

RIN 0648–XG898

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Revised 2019 Summer Flounder Specifications

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

ACTION: Interim final rule.

SUMMARY: NMFS issues revised specifications for the 2019 summer flounder fishery. Due to recently available information from a benchmark stock assessment, changes to the specifications are necessary to better achieve optimum yield within the fishery while controlling overfishing, consistent with the Magnuson-Stevens Fishery Conservation and Management Act. This rule is also intended to inform the public of the changes to the specifications for the remainder of the 2019 fishing year.

DATES: Effective May 17, 2019, through December 31, 2019.

ADDRESSES: Copies of the revised specifications, including the Supplemental Information Report, and other supporting documents for the action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N State Street, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

The summer flounder fishery is managed jointly by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission as a part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Summer flounder specifications must be implemented at the start of the fishing year on January 1, by the order of Judge Robert Doumar in *North Carolina Fisheries Association* v. *Daley.* The FMP does not have any year-to-year quota rollover or other provisions that would ensure that catch constraints would have been in place on January 1, 2019, should no action have been taken. The final peer review and assessment results of the November 2018 summer flounder benchmark stock assessment were not available to be incorporated into the 2019 specifications by this deadline, so on December 17, 2018, initial 2019 specifications were published for the summer flounder fishery (83 FR 64482) based on scientific information provided by a 2016 assessment update. In that rule, it was explained that those initial specifications should be considered interim measures and that mid-year changes would be developed and implemented to address the benchmark assessment results. This action implements revisions to the summer flounder catch and landings limits for the 2019 fishing year based on new information provided by the benchmark stock assessment.

The stock assessment was developed and peer reviewed in the 66th Stock Assessment Workshop/Stock Assessment Review Committee (SAW/SARC 66). The final peer review and assessment results were made available in February 2019. This assessment included incorporation of revised Marine Recreational Information Program (MRIP) estimates of recreational catch, which has an important impact on estimated spawning stock biomass for summer flounder. Incorporating the revised MRIP time series increased the total average fishery catch from 1982–2017 by about 30 percent. While the magnitude of fishing mortality was not strongly affected, the increased catch has resulted in increased estimates of historic and current stock size. Based on the results of this benchmark assessment, the summer flounder stock is not overfished, and overfishing is not occurring. Previously, the stock was considered to be subject to overfishing.

The Council's Scientific and Statistical Committee (SSC) and the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC) met in late February to review the assessment results and make recommendations to the Council for revised catch and landings limits. The SSC applied the Council's risk policy to derive recommended overfishing limits (OFL) and acceptable biological catch (ABC) values for fishing years 2019–2021. A different approach was used for deriving ABCs than in prior years. Rather than a varying ABC from year to year, a constant, averaged ABC value was derived for 2019–2021 to maintain more consistency in the fishery. This approach was determined to be preferable for industry, to have a similar biological outcome to the varied ABC approach, and is consistent with the Council's risk policy. The MC, Council, and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board all recommended using the 3-year averaged ABC approach as it provides additional stability in the fishery and reduces the expected number of year-to-year regulation changes over this time period.

The Council and Board reviewed the new stock assessment information and SSC and MC recommendations at their joint meeting in March 2019, and took final action on their revised 2019 specification recommendations. In those recommendations, the Council and Board also proposed setting 2020–2021 catch and landings limits, but those specifications will be implemented in a separate action later this year. In addition, the 2019 recreational measures for summer flounder are being developed in a separate, concurrent

action published elsewhere in this issue of the **Federal Register**.

This action is being published without prior notice and formal public comment period. The changes to the initial 2019 summer flounder specifications included in this action were anticipated during development of the original specifications. The public was also notified of the intent to publish revised specifications in the proposed and final rules of the original summer flounder specifications action (83 FR 57389, November 15, 2018; 83 FR 64482, December 17, 2018), as well as in the proposed rule for the 2019 summer flounder recreational measures that is being published elsewhere in this issue of the **Federal Register**.

Revised Specifications

This action implements the revised 2019 specifications (Table 1) as recommended by the Council and Board. This action makes no changes to the current commercial management measures, including the minimum fish size (14-inch [35.6-cm] total length), gear requirements, and possession limits.

TABLE 1—SUMMARY OF PREVIOUS AND REVISED 2019 SUMMER FLOUNDER FISHERY SPECIFICATIONS

	Previous		Revised		Difference (%)
	million lb	mt	million lb	mt	
OFL	20.60	9,344	30.00	13,609	46
ABC	15.41	6,990	25.03	11,354	62
Commercial Annual Catch Limit (ACL)	9.18	4,164	13.53	6,136	47
Commercial Annual Catch Target (ACT) *	8.14	3,692	12.98	5,888	59
Expected Commercial Discards	1.47	667	2.00	907	36
Commercial Quota *	6.67	3,030	10.98	4,981	65
Recreational ACL	6.22	2,821	11.51	5,218	85
Recreational ACT	6.22	2,821	11.51	5,218	85
Expected Recreational Discards	1.08	490	3.82	1,732	254
Recreational Harvest Limit	5.15	2,336	7.69	3,486	49

* Commercial ACTs and quotas shown after accountability measures have been applied.

Accountability measures (AM) in the commercial summer flounder fishery require a scaled payback against the commercial fishery's ACT, based on both the amount of the overage and the status of the summer flounder stock, using the most recent biological reference points. An AM payback of 1.04 million pounds (472 mt) was applied to the commercial ACL in the initial 2019 specifications due to an overage in the 2017 summer flounder fishery caused by higher than expected commercial discards. The timing of that action did not allow for the results of the 2018 benchmark stock assessment to be incorporated into the AM evaluation, so that initial payback amount was based on the status of the stock from the 2016 assessment update, which determined the stock was not overfished, but overfishing was occurring. The benchmark assessment has since updated the biological reference points and stock status for summer flounder. Based on the improved stock status, the revised payback for the AM is 547,000 pounds (248 mt). This reduces the revised commercial ACT from 13.53 million pounds (6,137 mt) to 12.98 million pounds (5,888 mt), and the subsequent revised commercial quota from 11.53 million pounds (5,230 mt) to 10.98 million pounds (4,981 mt).

Table 2 summarizes the revised commercial summer flounder quotas for each state, with the revised AM payback incorporated, using the allocated percentages defined in the FMP. This table also includes state-incurred overages from 2018, which are determined by comparing landings for January through October 2018, plus any unaccounted 2017 landings overages to the respective state's 2018 quota. These state overages are still deducted as pound-for-pound paybacks from the revised 2019 quotas. Delaware has an accumulated overharvest from previous years that is greater than its allocated amount of commercial quota for 2019. As a result, there is no quota available for 2019 in Delaware, and federally permitted vessels are prohibited from landing summer flounder in that state, unless additional quota becomes available through a transfer. There has been one state-to-state quota transfer in the 2019 fishing year from North Carolina to New Jersey, which is also shown in Table 2.

TABLE 2—REVISED 2019 SUMMER FLOUNDER STATE COMMERCIAL QUOTAS

State	FMP Percent Share	Revised 2019 quotas [1]		Adjustment for overages through October 31, 2018		State quota transfer		Final revised 2019 quotas [2]	
		lb	kg	lb	kg	lb	kg	lb	kg
ME	0.0476	5,224	2,369	0	0	0	0	5,224	2,369
NH	0.0005	51	23	0	0	0	0	51	23
MA	6.8205	749,091	339,782	−7,559	−3,429	0	0	741,532	336,353
RI	15.6830	1,722,462	781,295	0	0	0	0	1,722,462	781,295
CT	2.2571	247,895	112,443	0	0	0	0	247,895	112,443
NY	7.6470	839,869	380,958	0	0	0	0	839,869	380,958
NJ	16.7250	1,836,906	833,206	0	0	3,270	1,483	1,840,176	834,690
DE	0.0178	1,954	886	−55,047	−24,969	0	0	−53,093	−24,083
MD	2.0391	223,954	101,584	0	0	0	0	223,954	101,584
VA	21.3168	2,341,220	1,061,959	0	0	0	0	2,341,220	1,061,959
NC	27.4458	3,014,377	1,367,298	0	0	−3,270	−1,483	3,011,107	1,365,815
Total	100.00	10,983,000	4,981,805	0	0	0	0	10,973,488	4,977,491

[1] The 2017 AM payback of 547,000 lb (248 mt) has already been applied to the total coastwide allocated quota.

[2] Total quota is the sum for all states with an allocation. A state with a negative number has a 2019 allocation of zero (0). Total final 2019 quota, less overages, does not include negative allocations (*i.e.,* Delaware's overage).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this interim final rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, the national standards and other provisions of the Magnuson-Stevens Act, and other applicable law.

This interim final rule is exempt from review under Executive Order 12866 because this action contains no implementing regulations.

This interim final rule does not duplicate, conflict, or overlap with any existing Federal rules.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

This interim final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

The Assistant Administrator for Fisheries, NOAA, finds it is unnecessary and contrary to the public interest to provide for prior notice and an opportunity for public comment, pursuant to 5 U.S.C. 553(b)(B). Additionally, the Assistant Administrator finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay of effectiveness period for this rule. This action revises the 2019 specifications (*i.e.,* annual catch limits) for the summer flounder fishery to account for new benchmark stock assessment results, and increases the commercial quota by 65 percent and the recreational harvest limit by 49 percent. A delay in its effectiveness would unnecessarily disadvantage fishermen who wish to take advantage of the fishing opportunity that this action provides with increased quotas. A delay would be contrary to the public interest as it could create confusion and potential economic harm in the summer flounder fishery. Additionally, it could compromise the effectiveness of the new specifications in achieving optimal yield while still preventing overfishing. This rule should be effective as soon as possible to fully realize the intended benefits to the fishery.

This action, revising 2019 summer flounder specifications to account for benchmark assessment results, was anticipated during development and implementation of the original specifications action. Because of this, changes to catch limits as a result of the assessment were already analyzed under the range of alternatives considered in the environmental assessment for the original action, and the potential for mid-year revision was discussed in the initial specifications (83 FR 64482). The public was provided an opportunity to comment on this likely outcome in late 2018. In the original action, we also notified the public of our intent to publish revised specifications once assessment information became available. The information for and development of this action was discussed and subject to public comment following the results of the benchmark assessment at a public MC meeting in February 2019, and the Mid-Atlantic Council Meeting in March 2019. In addition, the proposed rule for the 2019 summer flounder recreational measures, being published elsewhere in this issue of the **Federal Register**, describes the revised recreational specifications that appear in this action.

This rule is being issued at the earliest possible date. The results of the benchmark assessment became available in February 2019, and the Council and Board took final action on the revised specifications in March. The revised specifications substantially increase quotas and relieve restrictions on the fishery. The timely implementation of this action will help to ensure that industry has the opportunity to achieve optimal yield in the fishery, and access the increased quotas made available by the new stock assessment. A delay in implementing the new catch limits could prevent this fishing opportunity and potential economic benefit, which is contrary to the public interest.

Furthermore, this rule would not require a period for regulated parties to come into compliance with the new rules. Summer flounder fishery participants will not be required to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this rule simply means adhering to the higher (less restrictive) catch limits and management measures set for the remainder of the summer flounder fishing year. Fishery stakeholders have been involved in the development of this action and are anticipating this rule.

Finally, if the 30-day delay in effectiveness were not waived, the lack of effective catch limits for summer flounder following the updated benchmark assessment results would present confusion to the cooperative management regime governing the fishery in the states. This rule needs to be effective, with the revised recreational harvest limit, before the Federal recreational management measures and state recreational management plans can be implemented. Summer flounder recreational seasons typically begin in May, and a 30-day delay would result in a substantial loss of the 2019 recreational fishing season, loss of fishing opportunity, and economic loss to related industries. If there was a delay, individual states would be unable to set appropriately adjusted commercial possession and/or trip limits, which apportion the catch throughout the year. This could result in further lost seasonal fishing and economic opportunity on the state level, as well as a temporally unbalanced supply that could disrupt prices in the coastwide market. Disproportionate harvest and confusion over state quota allocations could also make landings and quota monitoring difficult, affecting the timing of state closures later in the year.

For these reasons, there is good cause to waive the 30-day delay in effectiveness and these specifications shall be made effective on May 17, 2019.

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

Dated: May 13, 2019.

Samuel D. Rauch III,

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

[FR Doc. 2019–10250 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 96
Friday, May 17, 2019

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

Energy Conservation Program: Test Procedures for Compressors, Notice of Petition for Rulemaking

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

ACTION: Notice of petition for rulemaking; request for comment.

SUMMARY: On April 17, 2019, the Department of Energy (DOE) received a petition from Atlas Copco North America, Inc. (Atlas Copco) asking DOE to allow compressor manufacturers to determine the applicable full-load package isentropic efficiency, part-load package isentropic efficiency, package specific power, maximum full-flow operating pressure, full-load operating pressure, full-load actual volume flow rate, and pressure ratio at full-load operating pressure using either the DOE test procedure or the consensus industry test method, International Organization for Standardization 1217:2009 (ISO 1217). Through this notice, DOE seeks comment on the petition, as well as any data or information that could be used in DOE's determination on whether to proceed with the petition.

DATES: Written comments and information are requested on or before August 15, 2019.

ADDRESSES: Interested persons are encouraged to submit comments, identified by ''Test Procedure for Compressors,'' by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *E-mail: CompressorPetition2019PET0017@ee.doe.gov.* Include Docket No. EERE–2019–BT–PET–0017 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, D.C., 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at: *http://www.regulations.gov/docket?D=EERE–2019–BT–PET–0017.*

FOR FURTHER INFORMATION CONTACT: Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.,* provides among other things, that ''[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.'' (5 U.S.C. 553(e)) DOE received a petition from Atlas Copco, as described in this notice and set forth verbatim below, requesting that DOE allow compressor manufacturers to determine the applicable full-load package isentropic efficiency, part-load package isentropic efficiency, package specific power, maximum full-flow operating pressure, full-load operating pressure, full-load actual volume flow rate, and pressure ratio at full-load operating pressure using either the DOE test procedure or the consensus industry test method, ISO 1217. In support of its petition, Atlas Copco also provided declarations, including supporting exhibits, from two individuals. These documents are available in the docket at *http://www.regulations.gov/docket?D=EERE–2019–BT–PET–0017.* In promulgating this petition for public comment, DOE is seeking views on whether it should grant the petition and undertake a rulemaking to amend the test procedure for compressors. By seeking comment on whether to grant this petition, DOE takes no position at this time regarding the merits of the suggested rulemaking or the assertions made by Atlas Copco.

Atlas Copco argues that the compressor test procedure should be amended for two main reasons. First, Atlas Copco states that existing data generated using ISO 1217 is sufficient to determine energy efficiency compliance for the numerous state efficiency standards now being adopted or considered. As a result, requiring manufacturers to retest compressors using the DOE test procedure would result in millions of dollars of needless and duplicative testing. Second, Atlas Copco argues that DOE issued the compressor test procedure in violation of Section 12(d) of the National Technology Transfer Advancement Act of 1995, 110 Stat. 783, March 7, 1996, Public Law 104–113, 15 U.S.C. 272 note, which requires use of industry consensus test standards, such as ISO 1217, unless the Secretary of Energy informs the Director of the Office of Management and Budget of the specific reasons the Department is compelled to depart from that consensus standard. Atlas Copco contends no such notification was made, nor was there any appropriate basis to depart from the ISO 1217 standard.

DOE welcomes comments and views of interested parties on any aspect of the petition for rulemaking.

Submission of Comments

DOE invites all interested parties to submit in writing by August 15, 2019 comments and information regarding this petition.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* webpage will require you to provide your name and contact information prior to submitting comments. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include

it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or postal mail. Comments and documents via email, hand delivery, or postal mail will also be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information in your cover letter each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not include any special characters or any form of encryption, and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked ''Confidential'' including all the information believed to be confidential, and one copy of the document marked ''Non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of its process for considering rulemaking petitions. DOE actively encourages the participation and interaction of the public during the comment period. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in determining how to proceed with a petition. Anyone who wishes to be added to DOE mailing list to receive future notices and information about this petition should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of petition for rulemaking.

Signed in Washington, D.C. on May 13, 2019.

Daniel R Simmons,

Assistant Secretary, Energy Efficiency and Renewable Energy.

BEFORE THE UNITED STATES DEPARTMENT OF ENERGY OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY

PETITION OF ATLAS COPCO NORTH AMERICA FOR RULEMAKING TO STREAMLINE AND HARMONIZE ROTARY AIR COMPRESSOR ENERGY EFFICIENCY TEST STANDARDS AND TO AUTHORIZE USE OF EXISTING RELIABLE EFFICIENCY DATA AND TEST METHODS FOR COMPLIANCE WITH 10 C.F.R. PARTS 429 AND 431

Atlas Copco North America respectfully petitions the U.S. Department of Energy (DOE) to amend the language of its rotary air compressor efficiency test rule (''Test Rule'') [1] in order to make clear to state regulators and to the wider public that manufacturers can also satisfy Test Rule obligations by using the consensus industry test method for rotary air compressor energy efficiency, ISO 1217:2009, which is published by the International Organization for Standardization (''ISO 1217''), including ISO 1217 results obtained before 2017.

For reasons described below, DOE should do so because:

(a) In adopting the Test Rule, DOE ignored and violated section 12(d) of the National Technology Transfer and Advancement Act of 1995,[2] which

[1] The Test Rule added the following provisions to Title 10, Code of Federal Regulations §§ 429.63, 429.70(h), 429.134(p), 431.342, 431.343, 431.344, Appendix A to Subpart T – Uniform Test Method for Certain Air Compressors, as added by 82 Fed. Reg. 1052 (Jan. 4, 2017).

[2] 110 Stat. 783, March 7, 1996, Public Law 104–113, Section 12(d); 15 U.S.C. § 272 note. The statutory language provides:

(d) UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES; REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (3) of this subsection, ***all Federal***

mandates use of ISO 1217, as a consensus industry standard, absent compelling reasons to depart from it explained in writing by the Secretary of Energy to the Director of the Office of Management and Budget (OMB), something DOE plainly failed to do; and

(b) In failing to correct the Test Rule and expressly allow the use of ISO 1217 data to certify energy efficiency performance, DOE in effect is mandating that air compressor manufacturers incur millions of dollars of useless and duplicative testing to satisfy state energy efficiency mandates, even though ISO 1217 data already provide accurate data characterizing rotary air compressor energy efficiency. This situation makes the uncorrected Test Rule ''unreasonably burdensome'' within the meaning of section 343(a)(2) of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. § 6314(a)(2).

SUMMARY

In its final rulemaking notice promulgating the Test Rule, DOE adopted regulatory language based in large part on ISO 1217. 82 Fed. Reg. 1052 (Jan. 4, 2017). Indeed, DOE stated in the preamble that for most rotary air compressor models, manufacturers would and could rely on existing ISO 1217 data, 82 Fed. Reg. 1052, 1090, 1094-95. DOE, however, did not write express authorization to use ISO 1217 data into the Test Rule's regulatory language.

State regulators are separately imposing rotary air compressor energy efficiency standards by statute or regulation because DOE has declined to finalize its energy efficiency standard, even though DOE posted such a ''Final Rule Package'' on its website in December 2016. Such state statutes and regulations also expressly reference the Test Rule as adopted in order to measure energy efficiency, but do so without any reference to ISO 1217. The state language does not authorize any use of prior or current ISO 1217 data to satisfy testing and certification requirements.

Consequently, these state requirements will likely trigger very costly and needlessly duplicative testing obligations unless manufacturers go to each state to argue for clarification to allow use of ISO 1217 and persuade the state authorities to do so. For one state (Vermont), these requirements will have to be met before July 1, 2020, for another (California), before January 1, 2022. As many as thirteen other state legislatures are actively considering requirements worded almost identically to California's testing mandate. That duplicative testing threatens to waste tens of millions of dollars better spent to improve rotary air compressor efficiency than in re-testing models which have already been shown to be efficient enough to pass the state standards.

As a customer acceptance test, ISO 1217 data reports energy efficiency results from tests of a single unit of a rotary air compressor model, the one to be supplied to the customer. Atlas Copco and other manufacturers have compiled a large number of ISO 1217 test results on many different basic rotary air compressor models since 2009, even though only a small number of units of any specific basic model are ordinarily sold in a year. Sometimes only one unit – or no units -- of a particular basic model are sold in a year.

By contrast, the Test Rule, by cross-referencing 10 C.F.R. § 429.11, ordinarily requires test results from ***two*** UNITS of each rotary air compressor MODEL. § 429.11(b):

The minimum number of units tested shall be no less than two, except where . . . (2) [o]nly one unit of the basic model is produced, in which case, that unit must be tested and the test results must demonstrate that the basic model performs at or better than applicable standard(s). . . . .
10 C.F.R. § 429.11(b)(Emphasis supplied.)

Testing of two units using the DOE Test Rule will reportedly cost around $4,000 per basic model at the trade association's laboratory, and will likely cost more at other testing laboratories for manufacturers who are not part of the trade association. As there are estimated to be around 6,000 basic models offered for sale in the United States, and as such testing appeared to be required of all basic models offered for sale in Vermont by July 1, 2020 and other states by January 1, 2022, the costs may easily exceed $20 million if Vermont and other states read the literal terms of the DOE Test Rule to preclude use of ISO 1217 data. Regrettably, it is believed that most of this testing under the Test Rule would duplicate existing ISO 1217 energy efficiency test data without changing the compliance determination.

The inability to use existing ISO 1217 testing, particularly for basic models which are ordered infrequently, creates an unreasonable hardship for manufacturers. These manufacturers, in order to offer their rotary compressors for sale in a state, are required by state law (and section 343(d)(1) of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. § 6314(d)(1)) to make public representations about energy efficiency based on DOE test data. These representations include written representations to state agencies such as the Vermont Public Service Commission, agencies that are imposing energy efficiency requirements on rotary air compressors.

Because there are about 6,000 different rotary air compressor MODELS subject to the Test Rule offered for sale in the United States, and only about 23,700 UNITS sold from these models for 2013, the most recent year for which such data are available. As a result, the burden of requiring testing of two UNITS for each MODEL will be disproportionately high unless reliable ISO 1217 test results (including existing data) can also be used as a basis to satisfy the Test Rule obligations.

DOE had anticipated publishing its air compressor efficiency standard in late January 2017 (DOE Efficiency Rule), but that publication did not occur and still has not occurred. This combination of circumstances, i.e., the failure to expressly allow the use of ISO 1217 and the failure to publish the efficiency standard, has created confusion about applicable testing requirements among manufacturers of rotary air compressors and among state regulators anxious to adopt similar efficiency standards.

Two states – Vermont and California -- have already adopted air compressor energy efficiency standards based on the DOE Efficiency Rule, with language expressly requiring use of the Test Rule to certify compliance, without any provision allowing use of ISO 1217 data to certify compliance. The compliance date in Vermont is next year, on July 1, 2020. The compliance date for California – almost one seventh of the U.S. market – and other states adopting model legislation based on California's, is January 1, 2022.

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agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. . . .

(3) EXCEPTION.—If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanations received in the preceding year under this paragraph.

(4) DEFINITION OF TECHNICAL STANDARDS.—As used in this subsection, the term ''technical standards'' means performance-based or design-specific technical specifications and related management systems practices.

(Emphasis supplied).

Energy efficiency advocates recently testified before the U. S. House Energy and Commerce Committee that thirteen additional state legislatures are considering similar legislation, set forth in a model act. While the model legislation uses the DOE Efficiency Rule and expressly incorporates DOE's Test Rule, it does not reference or expressly authorize the use of ISO 2017 data to demonstrate compliance with the state efficiency standards. The compliance date in the model legislation is January 1, 2022.

These state actions, and proposed additional state actions, reliant upon a flawed Test Rule, threaten major problems in the rotary air compressor market and will impose undue testing burdens on manufacturers such as Atlas Copco while doing nothing to improve air compressor efficiency in the field. As a consequence Atlas Copco believes that a large number of rotary air compressor models will be withdrawn from the market to avoid these significant testing costs, ***including a large number of models that comply with the substantive efficiency standards the states are adopting.***

At best, Atlas Copco anticipates that it and other manufacturers will have to repeatedly participate in repetitive state rulemaking proceedings as occurred in California in order to make explicit that ISO 1217 data can be used to certify compliance with efficiency standards On April 10, 2019, The California Energy Commission (CEC) finally addressed the issue, adopting an order that expressly authorizes use of ISO 1217 data to certify compliance. The CEC did so in response to an Atlas Copco petition, but did not amend the actual rule language that the Model Legislation copied. Consequently, the costly and time-consuming exercise of explaining the Test Rule problems to each set of state regulators and obtaining specific clarifications from each state may have to be repeated in every state that adopts the Model Legislation.

Atlas Copco respectfully petitions DOE to amend the Test Rule to correct these serious problems and to conform to the requirements of section 343(a)(2) of EPCA, 42 U.S.C. § 6314(a)(2), and section 12(d) of the National Technology Transfer and Advancement Act (NTTAA).

Part I of this Petition summarizes information from the DOE Technical Support Document (TSD) and from air compressor experts in order to explain the size and nature of the United States market for rotary air compressors.

Part II of this Petition summarizes the complicated procedural history of the Test Rule, the enforcement of which has been suspended by DOE.

Part III examines the minor but very costly differences between testing under ISO 1217 and testing under the Test Rule. The Petition does so using expert witness declarations attached to the petition.

Part IV explains how section 343(d)(1) of EPCA, 42 U.S.C. § 6314(d)(1), applies to the written representations about compressor efficiency made under state laws and regulations. Those state requirements use the federal Test Rule and do not expressly allow for the use of ISO 1217 test methods or past ISO 1217 test rules to satisfy those requirements. Because of the state compliance deadlines, manufacturers need DOE to make early and authoritative changes in the Test Rule to permit use of ISO 1217 testing and results to meet Test Rule requirements or the manufacturers will face large, costly and duplicative testing requirements.

Part V reviews recent regulatory and legislative actions by Vermont and California, and explains the very costly – and apparently unintended – results of DOE's failure to make explicit provision in the Test Rule for the use of ISO 1217 test data to satisfy Test Rule obligations under EPCA.

Part VI discusses the inflexible testing language of the model legislation which is being advocated in thirteen additional states, language which makes no provision for the use of ISO 1217. These results threaten costly disruptions of the rotary air compressor market in these states and elsewhere in the United States, problems that are not offset by any actual improvement in rotary air compressor efficiency in the field.

Part VII explains how DOE has violated section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 by departing from an applicable and workable voluntary industry consensus test standard without providing the specific written justifications by the Secretary of Energy for such departures to the Office of Management and Budget (OMB).

Part VIII proposes specific language to amend the regulations, language that expressly allows the use of reliable ISO 1217 data as an alternative means to satisfy test rule, certification and public representation requirements under EPCA.

I. United States Rotary Air Compressor Market Subject to Test Rules.

Atlas Copco is a worldwide manufacturer of rotary air compressors and other industrial equipment. The company sells rotary air compressors throughout the United States under the Atlas Copco, Quincy Compressor, Chicago Pneumatic, and Fiac brand names. Declaration of David P. Prator ¶ 37 (''Prator Dec.'') Atlas Copco currently offers over 800 distinct rotary air compressor models subject to the proposed Test Rule. *Id.* ¶ 38.

In its 2016 rulemaking, DOE estimated the size of the United States rotary air compressor market for the models of air compressors which would be subject to DOE's efficiency rule [3] and Test Rule.[4] DOE December 2016 Technical Support Document (TSD), Section 9.3, pp. 9-2 to 9-7..[5] The DOE TSD estimated that there were about 23,700 compressors sold in the United States in 2013 of sizes which would have been regulated by the proposed rule. TSD, Sections 9.3.3, 9.3.4, pp. 9-6 to 9-7. Seventy (70) percent (about 18,100 units) were fixed speed air cooled units. *Id.* Table 9.3.4. DOE forecast that 27,900 rotary air compressors covered by the standards would be shipped nationally in calendar 2022. *Id.*

In order to estimate compressor shipments, DOE used data on compressor shipments from manufacturers and subject matter experts. Final Rule Package, pp. 214-215. DOE then used the projections of annual equipment shipment data to project national energy savings and net present value for the potential standards levels. *Id.* p. 216.

Atlas Copco's expert, Mr. David Prator, has reviewed market data (including data gathered by the trade association, the Compressed Air & Gas Institute (CAGI)) as part of his duties for Atlas Copco and he assesses that the DOE market estimates and forecasts for the United States are reasonably accurate.[6] Prator Dec. ¶ 46. DOE's

[3] DOE's efficiency rule for air compressors was issued as a pre-publication notice of Final Rule on December 5, 2016 (''Efficiency Rule'') but never published in the Federal Register

[4] The Test Rule actually covers several additional compressor categories which would not be subject to the Efficiency Rule; the difference in numbers is not material for the purposes of this petition, because the state actions focus on the same models as the posted DOE Efficiency Rule for compressors.

[5] https://www.regulations.gov/document?D=EERE-2013-BT-STD-0040-0082?

[6] Evidentiary support for this petition is provided by the Declaration of David P. Prator, an industry expert with forty-eight years of experience in the rotary air compressor industry. Mr. Prator has worked for almost five decades in efforts to improve energy efficiency and testing accuracy for such machines, efforts by Atlas Copco and by the air compressor manufacturers' trade association, the Compressed Air & Gas Institute (CAGI). His declaration includes (a) pricing data on 2019 air compressor efficiency testing, and (b) air compressor efficiency test data comparing two methods used to test the efficiency of the same

estimates are derived using a macroeconomic approach very similar to what Mr. Prator and his colleagues have used for Atlas Copco to estimate market demand for rotary air compressors. *Id.*

One reasonably accurate way to forecast future demand for industrial and commercial rotary air compressors is to utilize known compressor sales data and to use estimated changes in Gross Domestic Product (GDP) to determine how that rotary air compressor market will grow or shrink. Prator Dec. ¶43. Atlas Copco has found that this method works not only for projections of United States demand, but also for U.S. regions or for large states such as California. *Id.*

Atlas Copco estimates that there are nearly 6,000 distinct basic rotary air compressor MODELS offered for sale in the United States that are subject to the Test Rule. *Id.* ¶ 40. These rotary air compressors are expensive, customized machines tailored to industrial or commercial needs for a wide range of specific air flows, pressures, and performance characteristics.

As noted above, for the size of machines covered by the December 2016 version of the Efficiency Rule, DOE has estimated that the total U.S. rotary air compressor market for all manufacturers in 2013 was only about 23,700 machines of the sizes to be covered by the Efficiency Rule. These machines came from around 6,000 distinct basic rotary air compressor models, virtually all of which are believed to be offered for sale throughout the U.S. On average, only about four UNITS of each different MODEL of rotary air compressor are sold in the United States in a year.

In commercial terms, these numbers mean that the U.S. rotary air compressor market is a highly customized market. Unless tempered by the use of existing ISO 1217 test data, the Test Rule would impose highly burdensome certification and testing requirements and costs based on the erroneous assumption that such costs can be spread across a large number of units sold.

II. Test Rule Background.

The Test Rule was proposed on May 5, 2016, 81 Fed. Reg. 27720, and proved highly controversial. Many parties commented, a number of them noting the high cost of testing relative to the small number of units sold from any particular model. These comments were made both at the June 20, 2016 public hearing and in writing by the July 5, 2016 deadline.

Atlas Copco estimates, based on its knowledge of the industry and work with CAGI, that for most basic rotary air compressor models, the manufacturers possess air compressor efficiency data from testing using the ISO 1217 acceptance test. Prator Dec. ¶ 53. Atlas Copco has tested compressor models using ISO 1217 and with the more recent DOE test method and obtained comparable efficiency results. Prator Dec. ¶ 55-57 (setting forth results).

The DOE Test Rule expresses energy efficiency standards in terms of isentropic efficiency. The ISO 1217 test data can be used to derive the isentropic efficiency of a basic rotary air compressor model. Prator Dec. ¶ 53. Annex H of ISO 1217 makes the required link between the parameters measured in the test and provides for the calculation of isentropic efficiency, the basis to determining compliance with efficiency standards.

Consequently, these ISO 1217 data can provide a valid factual basis on which a manufacturer could determine and, if appropriate, certify compliance with the applicable efficiency standard for a basic rotary air compressor model. *Id.* As noted below, DOE's rulemaking record suggests that ISO 1217 data would have been usable to certify compliance with the Efficiency Rule.

The DOE Test Rule adopted in January 2017 is based on ISO 1217, with changes intended to improve the reliability and repeatability of test results. Prator Dec. ¶ 58. At the June 20, 2016 federal rulemaking hearing (Transcript, pp. 130, 133, 155, *https://www.regulations.gov/document?D=EERE-2013-BT-STD-0040-0044)* and in subsequent comments submitted to DOE, major concerns were expressed about invalidating the results of reliable prior efficiency tests, tests which were conducted at considerable cost.

In response, DOE stated in the January 4, 2017 notice promulgating the final Test Rule that it did not intend to invalidate or prevent the use of ISO 1217:2009 test data to comply with DOE rules

> If historical test data is based on the same [ISO 1217] methodology being adopted in this final [Test] rule, then manufacturers may use this data for the purposes of representing any metrics subject to the representations requirements.

82 Fed. Reg. 1052, 1090, 1094 (citing similar language). Indeed, DOE concluded that ***for ninety percent of current compressor models, no additional testing would be needed since prior data could be used***. *Id.* 1094-95.

Indeed, in the Final Rule Package for the DOE Efficiency Rule, DOE made similar statements: ''if historical test data is consistent with values that will be generated when testing with the test methods established in this final rule, then manufacturers may use this data for the purposes of representing any metrics subject to representations requirements.'' DOE December 2016 Final Rule Package, P. 234 (citing DOE, Public Meeting Transcript, No. 0016 at p. 136).

In the January 4, 2017 Test Rule notice, however, DOE postponed acting on key aspects of an enforcement sampling plan in large part because of issues about sample size in a customized market. 82 Fed. Reg. 1052, 1096. Instead, DOE planned to take further comments, but no such request for comments has been published in the time elapsed since then.

This deferral by DOE of the enforcement sampling plan and its subsequent failure to publish a final efficiency standard have created great confusion among compressor manufacturers about how DOE will address testing results, permissible tolerances with the ISO 1217 test method, and related matters. Prator Dec. ¶ 63.

DOE repeatedly postponed the Test Rule's effective date. 82 Fed. Reg. 31890, 31891 (July 11, 2017) (noting postponements of effective date from February 3, 2017 to July 3, 2017). In that same notice, DOE stated that while it was gathering further information about problems with the Test Rule, ''DOE will not seek to enforce compliance of the test procedure final rule for a period of 180 days from the July 3, 2017.'' *Id.*

On December 6, 2017, DOE issued an ''Enforcement Statement'' concerning Air Compressor Test Procedures, and revised it on June 8, 2018. DOE stated that:

> At this time, DOE has not published a final rule establishing either energy conservation standards or a freestanding labeling requirement for compressors. Given these circumstances, ***there will be no enforcement of EPCA's requirement as to representations with respect to the compressor test procedure final rule unless or until compliance with a standard is required or an obligation to label air compressors is established.***

(Emphasis supplied). *https://www.energy.gov/gc/downloads/enforcement-statement-air-compressor-test-procedures*

model of air compressor. Mr. Prator's declaration sets forth his expert qualifications. Prator Dec. ¶ 3, 8-34.

III. Minor but Costly Differences between ISO 1217 and Test Rule Terms.

The DOE Test Method is explicitly based on major portions of the consensus air compressor industry test standard for customer acceptance, i.e., ISO 1217. 82 Fed. Reg. 1052. According to DOE, the changes DOE made in the DOE Test Method are intended to improve the reliability and repeatability of test results. *Id.*

Testing with the DOE Test Method measures the exact same parameters that the ISO 1217 test method measures.[7] Knuffman Dec. ¶ 14. In both the DOE Test Method and in ISO 1217, as amended in 2016, after gathering the data, the same mathematical calculation is then conducted to determine the isentropic efficiency of the tested model of rotary air compressor. *Id.*

There are, however, several costly differences between the methods, differences which have little effect on accurate compliance certification. The DOE Test Method requires more data points at specific time intervals, which in turn requires automated sampling and special software. *Id.* ¶ 16. Moreover, the test equipment must yield more precise measurements than ISO 1217 requires and the source of electricity for the testing must be more rigorously controlled to prevent voltage fluctuations. *Id.*

Atlas Copco's comparative testing of its rotary compressor models with both test methods suggests that the differences in accuracy between ISO 1217 testing and the DOE Test Method are minimal. Prator Dec. ¶¶ 55-57. The differences between machines tested suggest that these differences are as likely to be small idiosyncratic differences with the machines or in the application of the test methods as they are actual differences in accuracy. *Id.*

Quincy Compressor's experience with the DOE Test Method, however, shows that the differences with ISO 1217 are expensive. Quincy had to spend over $50,000 in order to acquire the equipment and software needed for its laboratory to carry out the DOE test method, even though Quincy conducts production line testing using ISO 1217. Knuffman Dec. ¶ 22. To conduct the testing required by the DOE Test Rule method, Quincy had to incur substantial additional costs to train laboratory personnel, calibrate equipment, and develop internal Quality Assurance/ Quality Control protocols. *Id.* ¶ 23.

[7] Statements in this section are based on the expert declaration of Mr. Chris Knuffman, who has spent twenty-six years in the air compressor industry, working for Quincy Compressor, an Atlas Copco subsidiary.

Unlike ISO 1217, which is an acceptance test that may be run on a single unit of a model, when the DOE Test Method is used to certify compliance and make public representations, DOE rules provide that at least two units of the same model be tested, 10 C.F.R. § 429.63(a)(1), (cross-referencing 10 C.F.R. § 429.11(b) which sets two machine minimum) unless only one unit of a model is made, after which subsequent units must be based on a test of two units. § 429.11(b)(2).

The 2019 cost of one DOE compliant test at CAGI's independent laboratory averages around $4,000 per model, which is a discounted rate for CAGI members. Prator Dec. ¶¶ 48-50. Non-CAGI members, who must rely on other laboratories, most likely will expend more than $4,000 to test each model offered. Without the ability to use prior data, there will be very substantial testing cost with little or no gain in accuracy.

The requirement to test two units per model also creates difficulties if a rotary air compressor is only made in response to a customer order, as is true with a number of rotary air compressor models. Those models are often tailored to precise customer needs for volume of air flow, energy, and other factors, making it less likely that there will be multiple units of the same model available to test particularly if testing is required ***just to offer the model for sale.***

The net result of the DOE Test Rule in its present form and its adoption by the states, as discussed below, will be to add significantly to the compliance burden and expense of manufacturers without any corresponding increase in actual energy efficiency.

In addition, because these tests are currently only required by two states, but the costs are nearly the same as would be incurred to comply with a national standard, some manufacturers will simply abandon markets such as Vermont, where the total number of units sold is very small, and until recent clarification of California's rule to allow use of existing ISO 1217 test results, were preparing to withdraw many models previously offered in California, where infrequent sales would not warrant the high costs of certification testing. The models withdrawn will include a large proportion which would comply with the efficiency standard, but for which the compliance testing is a prohibitive cost for such small sales.

IV. Written Representations about Energy Consumption to Other Parties Must Be Based on the Test Procedure Adopted by DOE under Section 343(d)(1) of the Energy Policy and Conservation Act (EPCA).

Under section 343(d)(1) of the Energy Policy and Conservation Act (EPCA),

effective 180 days . . . after a test procedure rule applicable to any covered equipment is prescribed under this section, ***no manufacturer, distributor, . . . may make any representation–(A) in writing . . . respecting the energy consumption of such equipment or cost of energy consumed by such equipment,*** unless such equipment has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

42 U.S.C. § 6314(d)(1) (emphasis supplied).

The adoption of California's and Vermont's energy efficiency rules will require manufacturers to provide written certification about the energy consumption of each of the rotary air compressor models offered for sale in those states.

Under the terms of the federal statute, those certifications must be based on testing in accordance with the Test Rule. DOE's suspension of enforcement of its Test Rule does not prevent the states from enforcing the Test Rule with respect to these manufacturer representations to these states for the purpose of certifying compliance with state efficiency rules. Indeed, not only can the states enforce such Test Rule requirements under state law, they may also try to proceed in federal court under the citizen suit provision to enforce the DOE test rule.

Thus, while manufacturers may argue that testing according to ISO 1217 is ''in accordance with such test procedure,'' the language of the Test Rule at present does not expressly provide that such is the case. Consequently, manufacturers will face a difficult choice if the statutory language is read literally by the courts or by the states, contrary to language in DOE's final rulemaking notice suggesting that ISO 1217 data can be used. Manufacturers will either have to test every compressor model they offer for sale in these states using DOE's elaborate Test Procedure or withdraw models not so tested from these markets, even if existing ISO 1217 data show these models will in fact comply with the state's energy efficiency standards.

Neither duplicative testing nor withdrawal of energy efficiency rotary compressors from important markets

advances energy efficiency, the environment, or the public interest.

V. Recently Adopted State Energy Efficiency Standards Appear to Require Literal Compliance with DOE's Test Procedure, Not the Use of ISO 1217 Test Data.

A. Vermont Statutory Language Regulating Rotary Air Compressor Efficiency.

Vermont has the second smallest population of any state in the United States [8] and a rotary air compressor market estimated at less than fifty units per year in sizes which would have been regulated by the DOE Energy Conservation Rule.[9] Nonetheless, in May 2018, the Vermont Legislature mandated that by July 1, 2020, all rotary air compressors sold in that state must comply with the unpublished DOE efficiency standard as shown by testing using the DOE Test Procedure. 9 V.S.A. §§2795(a)(8), 2796(d)(2).

No proposed implementing regulations have yet explained how to certify compliance and upon what basis such certification can be made, *https://publicservice.vermont.gov/content/vt-appliance-efficiency* (visited April 9, 2019). As such, the likely manufacturer response will be to withdraw ALL rotary air compressor products from the Vermont market, given the disproportionate testing and certification costs in relation to the tiny volume of sales likely to be made. Such withdrawals are likely to hurt Vermont businesses by making important equipment unavailable but do nothing to improve energy efficiency in Vermont or anywhere else.

B. California Compressor Efficiency Rule.

The California Energy Commission (''CEC'' or ''Commission'') voted at its January 9, 2019 business meeting to adopt a rotary air compressor efficiency standard (''California Efficiency Rule'') where the regulatory language requires that compliance be certified using the DOE Test Method. Existing CEC rules set detailed requirements for such testing and certification on the State's Modern Appliance Efficiency Database (MAEDBS),[10] requirements which require advance state approval of the testing laboratory.

The California Efficiency Rule, as proposed on November 16, 2018,[11] and as adopted without change on January 9, 2019, requires that all rotary air compressor models subject to the rule and offered for sale in the California market must be tested using the DOE Test Procedure (without reference to ISO 1217) and certified as compliant. The compliance date is January 1, 2022. (The use of Alternate Efficiency Demonstration Methods (AEDMs) is allowed, based on DOE Test Method Testing to validate the method's accuracy.) The terms of the rules appeared to preclude testing results obtained prior to California's approval of the testing laboratory for that procedure.

Fortunately, on April 10, the Commission clarified in an order that use of ISO 1217 testing from the past was a permissible basis for certification.[12] This order finally came after a February 1, 2019 request for regulatory clarification and a March 6, 2019 petition to reopen the rulemaking to clarify these issues.

Neither Atlas Copco nor any other manufacturer should have to go to the substantial effort and expense to seek such clarification from additional states to make the ***federal*** test rule workable.

VI. Proposed Model Legislation Pending before Multiple State Legislatures Will Regulate Rotary Air Compressor Efficiency Starting January 1, 2022 and Mandate Use of DOE's Needlessly Costly Test Procedure rather Than ISO 1217, the Industry Consensus Standard.

The Appliance Standards Awareness Project (ASAP) and American Council for an Energy-Efficient Economy (ACEE), organizations which have been very active in promoting the adoption of energy efficiency standards, have presented a ''Model Act for Establishing State Appliance and Equipment Energy and Water Standards (''Model Act'') to the states to regulate, among other kinds of equipment, the same rotary air compressors as DOE's Efficiency Rule would have regulated, and the same classes as California's new rule will regulate. A link to the proposed Model Act can be found at: *https://appliance-standards.org/sites/default/files/2019__Model__Bill__ASAP__Jan__24__2018.pdf.*

Section 4(a)(i)[13] of the Model Act would apply the law's provisions to air compressors. Section 5 establishes prescriptive efficiency and testing standards for air compressors, by reference to the federal test procedure:

5) Section 5. Standards.

a) Not later than one year after the date of enactment of this Act, the Commissioner, in consultation with [heads of other appropriate agencies], shall adopt regulations, in accordance with the provisions of Chapter [number of section in state law dealing with setting regulations], establishing minimum efficiency standards for the types of new products set forth in Section 4.

b) The regulations shall provide for the following minimum efficiency standards: i) Air compressors that meet the twelve criteria listed on page 350 to 351 of the ''Energy Conservation Standards for Air Compressors'' final rule issued by the U.S. Department of Energy on December 5, 2016 shall meet the requirements in Table 1 on page 352 following the instructions on page 353 ***and as measured in accordance with Appendix A to Subpart T of Part 431 of Title 10 of the Code of Federal Regulations—''Uniform Test Method for Certain Air Compressors''—as in effect on July 3, 2017.***

(Emphasis supplied). In March 7, 2019 written testimony before the House Energy and Commerce Committee, the Executive Director of ASAP reported that ''at least a half a dozen state legislatures are considering state standards in 2019.'' Testimony of Mr. Andrew deLaski, p. 13 at *https://appliance-standards.org/sites/default/files/deLaskiHouseEC testimony030719.pdf.* See also, Hearing on ''Wasted Energy: DOE's Inaction on Efficiency Standards and Its Impact on Consumers and the Climate'' at *https://energycommerce.house.gov/committee-activity/hearings/rescheduled-hearing-on-wasted-energy-doe-s-inaction-on-efficiency.*

Indeed, in response to questions from the Committee during the hearing, Mr.

[8] The 2018 population of Vermont is estimated at 623,960 people. http://worldpopulationreview.com/states/vermont-population. California's is estimated at 39,776,830. http://worldpopulationreview.com/states/california-population/.

[9] As noted above, a reasonably accurate way to estimate the size of a state's rotary air compressor market is to use the state's percentage share of US GDP and apply that percentage to total US rotary air compressor sales for that year. Vermont's GDP in 2013 was $29,099M. https://fred.stlouisfed.org/series/VTNGSP) and the US GDP in 2013 was $16,784,900M. *https://countryeconomy.com/gdp/usa?year=2013. Based on Vermont's percentage share of US GDP, or 0.1733%, the sale of about 42 compressor units is predicted in Vermont. There are an estimated 6,000 different models of rotary air compressor to choose from.*

[10] https://cacertappliances.energy.ca.gov/Login.aspx.

[11] California Energy Commission Docket 18-AAER-05, TN# 225912-1 at https://efiling.energy.ca.gov/ Lists/DocketLog.aspx? docketnumber= 18-AAER-05.

[12] https://efiling.energy. ca.gov/Lists/DocketLog.aspx? docketnumber=18-AAER-05, TN 227640.

The order was adopted on April 10; it was posted on the docket on April 12. Paragraphs 5-7 of the order on page 2-3 address the concerns about testing.

[13] Section references contained in Section VI of this Petition are to the Model Act, unless otherwise stated.

deLaski reported that thirteen states are now considering such legislation:

Mr. Welch of Vermont: . . . Can you explain the relative role of the states in [this efficiency standard process]?

Mr. deLaski: . . . [In the absence of federal action, leaders such as Vermont are acting to fill the gap.] ***There are another thirteen states considering similar legislation*** [to Vermont's].''

https://energycommerce.house.gov/committee-activity/hearings/rescheduled-hearing-on-wasted-energy-doe-s-inaction-on-efficiency (at 3:49 to 3:50 in this four hour hearing)(Emphasis supplied).

The proposed Model Act concerning compressor testing does not by its terms allow the use of ISO 1217 data as opposed to the DOE Test Procedure. While a different DOE test rule allowing use of ISO 1217 data would preempt contrary state law, it is far less certain that DOE comments in a final rulemaking notice would have any such effect.

VII. DOE's Test Rule Departures from ISO 1217 Violate the Requirements of Section 12(d) of the National Technology Transfer and Advancement Act.

Atlas Copco urges that DOE amend the Test Rule in order to allow use of reliable ISO 1217 data and thereby comply fully with the mandate of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, Section 12(d) (15 U.S.C. § 272 note).

The NTTAA applies to DOE. That law directs agencies like DOE to use technical standards that are developed or adopted by voluntary consensus standards bodies, unless their use would be inconsistent with applicable law or otherwise impractical.

In the case of the compressor test standards, despite boilerplate language in the notice of proposed rulemaking about reliance on consensus standards, DOE ultimately failed to incorporate the applicable consensus industry test standards (ISO 1217), in the Test Rule and thus failed to comply with the procedural requirements of the NTTAA. The Test Rule's failure to explicitly allow the use of the consensus standards in the air compressor context have already inflicted and will continue to inflict significant costs and duplicative testing burdens on the regulated community with scant improvements in accuracy.

The NTAA provides in pertinent part that:

(d) UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES

(1) IN GENERAL.— Except as provided in paragraph (3) of this subsection, ***all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. . . .***

(3) EXCEPTION.—If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. . . .

(4) DEFINITION OF TECHNICAL STANDARDS.— As used in this subsection, the term ''technical standards'' means performance based or design-specific technical specifications and related management systems practices.

Section 12(d), Pub. L. No. 104-113, 110 Stat. 783 (Emphasis supplied).

In its notices concerning the DOE Test Rule, there was no reference to the NTTAA and no effort to implement its statutory requirements, particularly those requiring detailed written justification by the Secretary of Energy to the Office of Management and Budget for DOE's costly departures from ISO 1217 standards. Instead, DOE completely omits any language expressly authorizing the use of ISO 1217 data and test methods, while failing to demonstrate that the provisions of ISO 1217 DOE has changed or omitted were either ''impractical or inconsistent with'' the EPCA provisions DOE is implementing here.

Moreover, there was no indication that any such changes were warranted before the implementation date of the energy conservation standards in another five years. Data generated using the ISO 1217 standard would have provided a solid evidentiary basis on which to make accurate representations about energy efficiency of existing equipment in order to satisfy the mandate of 42 U.S.C. § 6314(d), which requires that public representations of energy efficiency and cost savings be based on test data. Nothing in the proposed or final rule notices suggest that eliminating the express use of, and/or deviating from, the ISO 1217 consensus test method was warranted in order to protect regulatory agencies or sophisticated industrial customers from being misled or confused about the energy performance of the air compressors they would consider for purchase.

Despite the absence of any demonstrated need to depart from the industry consensus test standard, especially for the period before the compliance date for the proposed but not finalized energy conservation rule, more than five years from now, DOE ignored the NTTAA mandate in order to make changes that DOE preferred. DOE's changes have created potentially costly and serious practical problems without better protecting purchasers, the environment, or saving more energy. These problems include the potential invalidation of years of costly test data and the resulting need to develop new testing protocols and new data in a rush and at great expense – the very consequences that NTTAA was intended to avoid, i.e. the elimination of ''unnecessary duplication and complexity in the development and promulgation of conforming assessments and measures.'' NTTAA, Section 12(b)(3); 15 U.S.C. §272 note.

VIII. Proposed Amendment to 10 C.F.R. Section 431.344

Atlas Copco respectfully requests that DOE amend 10 C.F.R. Section 431.344, Test Procedure for measuring and determining energy efficiency of compressors, by adding the italicized language to the subsection (b) as shown below:

(b) Testing and calculations. Determine the applicable full-load package isentropic efficiency (n isen, FL), part-load package isentropic efficiency (n isen, PL), package specific power, maximum full-flow operating pressure, full-load operating pressure, full-load actual volume flow rate, and pressure ratio at full-load operating pressure using ***either*** the test procedure set forth in appendix A of this subpart ***or according to ISO 1217 including the 2016 amendment.***

The purpose of this proposed change is to make clear that reliable data generated using ISO 1217:2009 is usable under the rules, both to certify compliance with federal and state energy efficiency standards and in order to make public representations about the energy efficiency of rotary air compressor models covered by the test standard and any federal or state energy efficiency standards. DOE's final rulemaking notice stated that such data

were usable for these purposes, and DOE's cost analysis for its Efficiency Rule assumed that such data were so usable.

Adoption of this rule will allow manufacturers to comply with state efficiency standards without having to conduct duplicative, more complicated and costly testing to establish what ISO 1217 data already show – that their rotary air compressor models comply with the efficiency standard. The savings in cost and equally or more important, in engineering staff time, will allow manufacturers to concentrate on upgrading rotary air compressor energy efficiency for those models which do not meet efficiency requirements.

Respectfully submitted,
Russell V. Randle
Marian C. Hwang
Counsel for Atlas Copco North America

[FR Doc. 2019–10304 Filed 5–16–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0324]

RIN 1625–AA00

Safety Zone; Columbia River, Fireworks Umatilla, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Columbia River near Umatilla, OR. This action is necessary to provide for the safety of life on these navigable waters during a fireworks display on June 22, 2019. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 3, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0324 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Dixon Whitley, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Umatilla Chamber of Commerce notified the Coast Guard that it will be conducting a fireworks display from 10 p.m. to 10:15 p.m. on June 22, 2019, to commemorate the town's history and anniversary. The fireworks will launch from a site over the Columbia River in Umatilla, OR. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Columbia River has determined that potential hazards associated with the fireworks in this display are a safety concern for anyone within a 450-yard radius of the discharge site.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 450-yard radius of the fireworks barge before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The Captain of the Port Columbia River proposes to establish a safety zone from 9 p.m. to 11:15 p.m. on June 22, 2019. The safety zone would cover all navigable waters of the Columbia River within 450-yards of the discharge site located at 45°55′39″ N, 119°19′46″ W, in vicinity of Umatilla, OR. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 p.m. to 10:15 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document. If we issue a final rule in this rulemaking, because of the closeness of the date of the event, we would need to make it effective less than 30 days after publication in the **Federal Register**. If we do that, we would explain our good cause for doing so in the final rule, as required by 5 U.S.C. 553(d)(3).

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of the Columbia River for approximately two hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting less than two and a half hours that would prohibit entry within 450 yards of the fireworks discharge site. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *https://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0324 to read as follows:

§ 165.T13–0324 Safety Zone; Columbia River, Fireworks Umatilla, OR.

(a) *Safety zone.* The following area is designated a safety zone: Waters of the Columbia River, within a 450-yard radius of the fireworks discharge site located at 45°55′39″ N, 119°19′46″ W in vicinity of Umatilla, OR.

(b) *Regulations.* Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Columbia River or his designated representative. Also in accordance with § 165.23, no person may bring into, or allow to remain in this safety zone any vehicle, vessel, or object unless authorized by the Captain

of the Port Columbia River or his designated representative.

(c) *Enforcement period.* This section will be enforced from 9 p.m. to 11:15 p.m. on June 22, 2019.

Dated: May 13, 2019.

J.C. Smith,

Captain, U. S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2019–10327 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0325]

RIN 1625–AA00

Safety Zone; NW Natural PGM Site, Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Willamette River. This action is necessary to provide for the safety of life on these navigable waters while Oregon Department of Environmental Quality oversees the construction of an engineered sediment cap and other remedial environmental actions. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0325 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Dixon Whitley, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Oregon Department of Environmental Quality is overseeing the construction of an engineered sediment cap over contaminated sediments adjacent to the west bank of the Willamette River at approximate river mile 12.2 at the NW Natural Portland Gas Manufacturing (PGM) site. Geographically this location starts on the west bank of the Willamette River along the seawall approximately 100 yards south of the Steel Bridge. The construction of the engineered sediment cap and other remedial actions are scheduled to occur from July 8, 2019, through October 31, 2019.

The purpose of this rulemaking is to ensure the safety of personnel, vessels and the marine environment in the navigable waters within the construction area. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the construction of the engineered sediment cap and other remedial actions, will be a safety concern for anyone within a designated area surrounding the construction vessels and machinery. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from July 8, 2019, through October 31, 2019. If the construction of the engineered sediment cap and remedial actions are completed before October 31, 2019, the COTP will issue general permission to enter the zone and a separate rule to terminate the effective period of the rule. The safety zone would cover all navigable waters adjacent to the NW Natural PGM site on the west bank of the Willamette River, surrounding the construction vessels and machinery. The construction area will be surrounded by a perimeter boom. Specific coordinates are listed in the regulatory text at the bottom of this document. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. If we issue a final rule in this rulemaking, because of the closeness of the start of construction, we may need to make it effective less than 30 days after publication in the **Federal Register**. If we do that, we would explain our good cause for doing so in the final rule, as required by 5 U.S.C. 553(d)(3).

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Willamette River in Portland, OR for less than 4 months. Moreover, the Coast Guard will publish information regarding the safety zone in the Local Notice to Mariners and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone surrounding the vessels and machinery during the construction of an engineered sediment cap and other remedial actions. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *https://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0325 to read as follows:

§ 165. T13–0325 Safety Zone; NW Natural PGM Site, Willamette River, Portland, OR

(a) *Location.* The following area is designated as a safety zone: All navigable waters of the Willamette River adjacent to the NW Natural PGM site on the west bank of the river, surrounding the construction vessels and machinery, encompassed by a line connecting these points: 45°31′36″ N, 122°40′12.84″ W; 45°31′36.36″ N, 122°40′11.64″ W; 45°31′32.58″ N, 122°40′6.9″ W; 45°31′31.68″ N, 122°40′6.78″ W; thence along the shoreline to 45°31′28.62″ N, 122°40′10.14″ W.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer

operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Columbia River in the enforcement of the safety zone.

(c) Regulations. Under the general safety zone regulations in subpart C of this part, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative.

(d) *Enforcement.* This section is effective from July 8, 2019, through October 31, 2019. It will be subject to enforcement this entire period unless the COTP, Columbia River determines it is no longer needed. The Coast Guard will inform mariners of any change to this period of when the safety zone will be subject to enforcement via Broadcast Notice to Mariners.

Dated: May 13, 2019.

J.C. Smith,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2019–10329 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 62

RIN 2900–AQ40

Rental and Utility Assistance for Certain Low-Income Veteran Families

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its regulations that govern the Supportive Services for Veteran Families (SSVF) Program. This proposed rule would enable grantees to augment available housing options for homeless veterans in high rent burden communities by increasing the rental assistance for up to two years before recertification. Conditions in some local housing markets such as low vacancy rates and higher costs have made it increasingly difficult to recruit landlords and help homeless veteran families find and sustain permanent housing. Providing enhanced rental assistance in these communities is necessary to help VA progress in its goal to end veteran homelessness.

DATES: Comments must be received on or before June 17, 2019.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov* by mail or hand-delivery to: Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to ''RIN 2900AQ40—Rental and Utility Assistance for Certain Low-Income Veteran Families.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free telephone number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Kuhn, Homeless Program Office, Supportive Services for Veteran Families Program Office, 810 Vermont Ave. NW, Washington, DC 20420; (202) 632–8596 (This is not a toll-free number.) *ssvf@va.gov.*

SUPPLEMENTARY INFORMATION: VA proposes to revise its regulations that govern the Supportive Services for Veteran Families (SSVF) Program which is authorized under section 2044 of title 38 United States Code (U.S.C.). This section requires the Secretary to provide financial assistance to eligible entities, approved under this section to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing. VA implements the SSVF Program under the regulations in title 38 Code of Federal Regulations (CFR), Part 62. Through the SSVF Program, VA awards supportive services grants to private non-profit organizations or consumer cooperatives to provide and coordinate the provision of supportive services to very low-income veteran families who are occupying permanent housing. Pursuant to 38 CFR 62.11, there are three situations in which a very low-income veteran family is considered to be occupying permanent housing. The first possibility is if a family is residing in permanent housing at the risk of becoming homeless but for the grantee's assistance. The second possible situation is if a family is lacking a fixed, regular, and adequate nighttime residence; is at risk of remaining in that state if they do not receive grantee assistance; and is scheduled to become a resident of permanent housing within 90 days pending the location or development of housing suitable for permanent housing. Finally, if a family is lacking a fixed, regular, and adequate nighttime residence after exiting permanent housing within the previous 90 days to seek other housing that is responsive to their needs and preferences, that very low-income family is considered to be occupying permanent housing. This rulemaking would extend the ability of SSVF grantees to provide rental assistance in areas where the limited availability of affordable housing makes it difficult to reduce a community's population of homeless veterans. Through the provision of these subsidies, the pool of available housing can be expanded as program participants have access to a broader rental market.

62.34 Other Supportive Services

We propose to revise § 62.34 to allow grantees to provide greater rental assistance to very low and extremely low-income participants. This revision would permit grantees to provide a new rental subsidy for up to two years at a time, without the need for recertification, for homeless veteran families residing in areas where VA has determined that the cost and limited availability of affordable housing necessitates this benefit to promote housing stability. We believe that extremely low-income veteran families subsisting on an income that does not exceed 30 percent of the median income (as defined in § 62.2) face particularly high barriers to placement in or retention of permanent housing, and, therefore, should be eligible for a higher level of assistance relative to very-low income veteran families who subsist on an income that does not exceed 50 percent of the median income. Under this rule, VA would, therefore, provide different levels of rental subsidy assistance for these two groups by offering a longer duration of rental subsidy for extremely low-income households. Barriers to housing stability may be exacerbated by local economic conditions that severely restrict the availability of affordable housing. VA has received feedback from SSVF grantees stating that veteran families at lower levels of income are more difficult to reach and require more resources for the interventions authorized under this program to succeed, particularly in communities with a limited stock of affordable housing. Based on that feedback, we believe that the increased benefit authorized under the proposed rule would help ensure that grantees can be successful in supporting very

low and extremely low-income veteran families.

Proposed paragraph § 62.34(a)(1) would limit the payment of rental assistance to extremely low-income veteran families to 9 months in any 12-month period and to 12 months during a 2-year period, such period beginning on the date that the grantee first pays rent on behalf of the participant. The payments of rental assistance to very-low income veteran families are limited to 6 months in any 12-month period and to 10 months during a 2-year period. Proposed § 62.34(a)(8) would allow for a rental subsidy exceeding the restrictions in § 62.34(a)(1) under certain conditions. This subsidy could be provided from the end of the participant's rental support under § 62.34(a)(1). The new subsidy would not exceed a period of 2 years before recertification. Then, if the veteran family qualifies for SSVF services after that 2-year period, the veteran family would again be eligible for all benefits described in § 62.34. Because the new subsidy under § 62.34(a)(8) would provide different periods and frequency of support than the rental assistance of § 62.34(a)(1), the provisions of § 62.34(a)(1) would not apply to assistance under the proposed regulation. However, payment of this subsidy by a grantee would otherwise conform to the rental assistance requirements set forth in § 62.34(a)(2)–(7).

The applicable counties in which the subsidy may be offered would be chosen based on the cost and availability of affordable housing for both individuals and families within that community. The maximum amount of the rental subsidy would be based on a percentage of the applicable Fair Market Rent (FMR) published by Housing and Urban Development (HUD). This subsidy level would be set at a level no higher than 35 percent of the FMR. This maximum subsidy level is intended to provide a meaningful level of support, yet still differentiate it from rental supports provided by HUD–VASH where a Housing Choice Voucher can pay the entire rent. This level of subsidy was recommended in a scholarly article by Mary Cunningham, Josh Leopold, and Pamela Lee (''A Proposed Demonstration of a Flat Rental Subsidy for Very Low Income Households'').

The amount of the subsidy for each county would be proposed by the SSVF grantees serving the targeted community with a letter of support from the Continuum of Care (CoC), as defined at 24 CFR 578.3, that is organizing homeless services for that community. Agreement between the grantees and the CoC regarding the subsidy amount would allow for a local determination of the optimal subsidy amount. As this proposed rule would represent a new approach to rental subsidies, these amounts must be reviewed and approved by the SSVF Program Office before going into effect. This would help ensure that these subsidy amounts meet the intent of the proposed rule.

As the gap between housing costs and income is larger for those veteran households defined as extremely low income, their subsidy would be available for a longer period. Under this proposed rule, very low-income families may receive this subsidy for a period of two years before recertification, minus the number of months in which the recipient received the rental assistance provided under § 62.34(a)(1). In addition, extremely low-income veteran families may receive this subsidy for up to a two-year period before recertification following receipt of the § 62.34(a)(1) rental assistance. The duration of the subsidy for extremely low-income veteran families may be longer than for very-low income families because VA believes that extremely-low income veteran families would be in greater need for a subsidy. However, no family may receive an amount of subsidy greater than the total amount of rent that such family pays in a given month. The rental subsidy amount would not change for the veteran families in the second year of the 2-year period, even if the annual amount published changes.

Under § 62.36(a), grantees must recertify the participant's eligibility as a very low-income veteran family at least once every 3 months. For this subsidy, we would only apply this recertification requirement to very-low and extremely-low income veteran families who are receiving this subsidy or a combination of the rental assistance in § 62.34(a)(1) and rental subsidy of § 62.34(a)(8) every two years. A more frequent recertification process for participants who receive this rental subsidy could reduce the time that the subsidy is available and make the commitment of up to a two-year period of rental subsidy meaningless. This would undermine the intent of this proposed rule, which would seek to expand available affordable housing stock by providing landlords with assurance of ongoing support for rental payments. Recertification every two years, however, would ensure the subsidy is provided to the veteran families who need it the most.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this rule, would represent VA's implementation of its legal authority on this subject. Other than future amendments to this rule or governing statutes, no contrary guidance or procedures would be authorized. All existing or subsequent VA guidance would be read to conform with this rule if possible. If not possible, such guidance would be superseded by this rule.

Paperwork Reduction Act

This rule would contain no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Order 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. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan

programs or 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 set forth in this Executive Order.''

OMB has determined that this 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 this rule is not significant under E.O. 12866.

Executive Order 12866 also directs agencies to ''in most cases . . . include a comment period of not less than 60 days.'' This rulemaking proposes to amend regulations that govern the Supportive Services for Veteran Families (SSVF) Program. Providing a 30-day comment period will allow the Secretary to ensure the provisions of this proposed rule would provide greater rental assistance to very low and extremely low-income participants within the SSVF Program sooner. Delays in expanding the rental assistance may mean continued or recurring homelessness for extremely low-income veterans, creating imminent risks to the health of the veteran and their family members. Moreover, we believe the SSVF Program is now a familiar benefit to the public and that providing less than 60 days would still be a sufficient period of time for the public to comment on this single aspect of the new SSVF Program. In sum, providing a 60-day public comment period instead of a 30-day public comment period would be against the public interest and the health and safety of eligible veterans. For the above reasons, the Secretary issues this rule with a 30-day public comment period. VA will consider and address comments that are received within 30 days of the date this proposed rule is published in the **Federal Register**.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, requires 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 rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are: 64.009, Veterans Medical Care Benefits, and 64.033, VA Supportive Services for Veteran Families Program.

List of Subjects in 38 CFR Part 62

Administrative practice and procedure, Day care, Disability benefits, Government contracts, Grant programs—health, Grant programs—housing and community development, Grant programs—veterans, Heath care, Homeless, Housing, Indian—lands, Individuals with disabilities, Low and moderate income housing, Manpower training program, Medicare, Medicaid, Public assistance programs, Public housing, Relocation assistance, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Social security, Supplemental Security Income (SSI), Travel and transportation expenses, Unemployment compensation.

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. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on May 14, 2019, for publication.

Dated: May 14, 2019.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 62 as follows:

PART 62—SUPPORTIVE SERVICES FOR VETERAN FAMILIES PROGRAM

■ 1. The authority citation for part 62 would continue to read as follows:

Authority: 38 U.S.C. 501, 2044, and as noted in specific sections.

■ 2. Amend § 62.34 by adding paragraph (a)(8) to read as follows:

§ 62.34 Other supportive services.

* * * * *

(a) * * *

(8) Extremely low-income veteran families and very low-income veteran families who meet the criteria of § 62.11 may be eligible to receive a rental subsidy for a 2-year period without recertification. The applicable counties will be published annually in the **Federal Register**. A family must live in one of these applicable counties to be eligible for this subsidy. The counties will be chosen based on the cost and availability of affordable housing for both individuals and families within that county. The maximum amount of this rental subsidy is 35 percent of the applicable Fair Market Rent (FMR) published by HUD. Grantees must collaborate with their local Continuum of Care (CoC) as defined at 24 CFR 578.3 to determine the proper subsidy amounts to be used by all grantees in each applicable county. Grantees must provide a letter of support from their local CoC to the SSVF Program Office when requesting VA approval of this subsidy. The SSVF Program Office must approve all subsidy requests before the subsidy is used. Very low-income veteran families may receive this subsidy for a period of two years before certification minus the number of months in which the recipient received the rental assistance provided under paragraph (a)(1) of this section. Extremely low-income veteran families may receive this subsidy for up to a 2-year period before recertification following receipt of the paragraph (a)(1) rental assistance. For any month, the total rental payments provided to a family under this paragraph cannot be more than the total amount of rent. Payment of this subsidy by a grantee must conform to the requirements set forth in paragraphs (a)(2) through (7) of this section. The rental subsidy amount will not change for the veteran family in the second year of the two-year period, even if the annual amount published changes. A veteran family will not need to be recertified as a very low-income veteran family as provided for by § 62.36(a) during the initial two-year period. After an initial two-year period, a family receiving this subsidy, or a combination of the rental assistance under paragraph (a)(1) and this subsidy, may continue to receive rental payments under this section, but would require recertification at that time and once every two years.

* * * * *

[FR Doc. 2019–10254 Filed 5–16–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2014–0099, Notice No. 1]

RIN 2130–AC49

Revision of Method for Calculating Monetary Threshold for Reporting Rail Equipment Accidents/Incidents

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: Under FRA's accident/incident reporting regulation, railroads are required to report to FRA all rail equipment accidents/incidents above the monetary reporting threshold (reporting threshold) applicable to that calendar year. FRA proposes to amend this regulation to modify the way it calculates periodic adjustments to the reporting threshold.

DATES: Comments are requested no later than July 16, 2019. FRA will consider comments received after that date to the extent possible without incurring additional expense or delay.

ADDRESSES: *Comments:* Comments related to Docket No. FRA–2014–0099 may be submitted by any of the following methods:

- *Website:* The Federal eRulemaking Portal, *www.regulations.gov.* Follow the website's online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140 on the Ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name, docket name, and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or visit the Docket Management Facility at the address noted in the **ADDRESSES** section of this notice, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Miriam Kloeppel, Staff Director, Risk Reduction Program Division, U.S. Department of Transportation, Federal Railroad Administration, Office of Safety Analysis, RRS–26, W35–204, 1200 New Jersey Ave. SE, Washington, DC 20590 (telephone 202–493–6224); or Senya Waas, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, RCC–10, W31–223, 1200 New Jersey Ave. SE, Washington, DC 20590 (telephone 202–493–0665).

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

FRA regulation (49 CFR part 225) requires railroads to report to FRA all rail equipment accidents/incidents that cause damage above a specified monetary threshold amount. FRA also requires railroads to report each highway-rail grade crossing accident/incident, and accidents/incidents involving death, injury, and occupational illness that meet certain criteria. FRA uses data from these reported accidents/incidents to identify hazard and risk trends, and to develop policies which help to mitigate and/or prevent similar train accidents in the future. The reporting threshold accounts for inflation in labor and materials in reported rail equipment accidents/incidents. Without a reporting threshold, railroads would need to report every minor event. Without this reported information, FRA would lack sufficient data to be effective in addressing even the most significant safety issues.

FRA's current formula for computing the reporting threshold has three primary components: Equipment costs, labor costs (*i.e.,* wages), and the prior reporting threshold. To keep pace with any increases or decreases in equipment and labor costs, FRA reviews the reporting threshold periodically and, if necessary, adjusts the threshold following the procedures in Appendix B to part 225 (Appendix B). *See* 49 CFR 225.19. This approach ensures that each year rail equipment accidents/incidents involving the same real amount of damages are included in the rail equipment accidents/incidents count and allows for comparing accident/incident statistics across years.

In this NPRM, FRA proposes two technical revisions to the formula for calculating the threshold, and an administrative change to the way FRA communicates the reporting threshold applicable to the upcoming year. First, FRA proposes a minor technical correction to the formula (*i.e.,* a revision to the percentage term used to determine a change in equipment costs, so it is consistent with the percentage term used to determine a change in labor costs). Second, to better reflect overall data trends, FRA proposes using full-year data (*i.e.,* 12 consecutive months) instead of only second-quarter data (*i.e.,* 3 consecutive months) to calculate the reporting threshold. Third, FRA proposes to issue an annual notice on FRA's website stating the reporting threshold for the upcoming calendar year (CY). Issuing a notice each year, as opposed to a final rule, will simplify and expedite the communication of the reporting threshold, and will be more practical and efficient than FRA's current practice of annually publishing a final rule incorporating the reporting threshold amount in the rule text in 49 CFR 225.19 (c) and (e).

FRA uses the current reporting threshold as the basis for calculating the next year's reporting threshold. Therefore, any error in the reporting threshold is reflected in the reporting thresholds for the following years. FRA also presents an alternative approach to calculate the reporting threshold using a fixed, base year for the reporting threshold (which may also reduce this error). The threshold corresponding to the base year would be updated using a composite wage-equipment price index, similar to how the Consumer Price Index (CPI) is used to adjust prices for inflation. FRA expects that this NPRM's proposed revisions will result in more accurate and consistent train accident data for analyzing railroad safety trends, which will in turn help focus railroad industry and FRA resources where most

needed to reduce the occurrence of rail equipment accidents/incidents. Additionally, users of FRA's data (including states, researchers, and other stakeholders), will benefit from access to more accurate and consistent data. Overall, the proposed revisions would benefit a broad range of analyses.

II. Background

A ''rail equipment accident/incident'' is a collision, derailment, fire, explosion, act of God, or other event involving the operation of railroad on-track equipment (standing or moving) that results in damages to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and materials, greater than the reporting threshold for the year in which the event occurs. *See* 49 CFR 225.19(c). Section 225.5 also defines these rail equipment accidents/incidents as ''train accidents.'' A railroad must report each rail equipment accident/incident to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). *See* 49 CFR 225.19(b), (c) and 225.21(a). Paragraphs (c) and (e) of section 225.19 further provide that FRA will review the reporting threshold periodically, and if necessary, adjust the number every year under the procedures outlined in Appendix B to reflect any cost increases or decreases.

In addition to reviewing and adjusting the reporting threshold under Appendix B, as necessary, FRA periodically amends its method for calculating the reporting threshold. The Federal Railroad Safety statutes require FRA to base the reporting threshold on publicly available information obtained from the Bureau of Labor Statistics (BLS), other objective government sources, or other information subject to notice and comment. *See* 49 U.S.C. 20901(b). In 1996, FRA adopted a new method for calculating the reporting threshold for train accidents to allow for use of publicly available data and statistics. *See* 61 FR 30940 (June 18, 1996); 61 FR 60632 (Nov. 29, 1996). In 2005, FRA again amended its method for calculating the reporting threshold because BLS ceased collecting and publishing the railroad wage data used by FRA in the formula. FRA substituted railroad employee wage data collected by the Surface Transportation Board (STB) for the BLS data that was no longer available. *See* 70 FR 75414 (Dec. 20, 2005).

A. FRA's Current Formula

As noted above, FRA's current formula for computing the reporting threshold has three primary components: Equipment, labor (*i.e.,* wages), and the prior year's reporting threshold. To calculate the reporting threshold for the upcoming year, FRA updates the previous year's reporting threshold by the change in labor and equipment costs year-over-year from the second quarter of the year. For example, in late CY 2017 FRA calculated the threshold for CY 2018 by using the threshold for CY 2017, as adjusted for the changes in wage data from STB and the railroad equipment producer price index from BLS for the second-quarter of CY 2016, to the second-quarter of CY 2017. In other words, calculating the reporting threshold is an iterative process using each year's reporting threshold as the ''seed'' value to estimate next year's threshold. Therefore, any error in the prior or current reporting threshold is reflected in the following years.

Additionally, the figure below illustrates the time frame currently used to calculate the year-over-year changes, using the calculation of the CY 2018 reporting threshold as an example.

Figure 1. Currently Used Time Frame Using Second Quarter Data for Equipment and Wage Inputs (to Calculate the CY 2018 Reporting Threshold Given the Current Year of 2017).

						Eprior and Wprior Time Frame				***Enew and Wnew Time Frame***		
Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	*Q2*	Q3	Q4
2014	2015	2015	2015	2015	2016	2016	2016	2016	2017	*2017*	2017	2017

The current formula for computing the reporting threshold is: [1]

$$Tnew = Tprior \times \left[1 + 0.4\frac{Wnew - Wprior}{Wprior} + 0.6\frac{Enew - Eprior}{100}\right]$$

Where:

Tnew = New reporting threshold.
Tprior = Prior reporting threshold (*i.e.,* the previous year's threshold) as adopted in 49 CFR 225.19(e)).
Wnew = New average hourly wage rate, in dollars.[2]
Wprior = Prior average hourly wage rate, in dollars.
Enew = New equipment average Producer Price Index (PPI) value.[3]
Eprior = Prior equipment average PPI value.

[1] 49 CFR part 225, app. B. In 2005, when FRA replaced the unavailable BLS wage data with STB wage data, it recalculated the 1997 to 2002 reporting thresholds using STB data to demonstrate that the STB data was a reasonable substitute. FRA's analysis showed weighting the wage component by 40% (0.4) and the equipment component by 60% (0.6) more closely approximated the existing threshold at the time, which is the reason for the 40/60 weights in the current formula. *See* 70 FR 75414 (Dec. 20, 2005).

With reference to wages and equipment, ''prior'' refers to the previous wage and equipment averages used to calculate the prior reporting threshold, *Tprior.* In calculating the new reporting threshold, the goal is to capture the changes between the previous wage and equipment prices, and the current wage and equipment prices. In the current formula, the wage component represents STB wage data as a fractional change relative to the previous-year wage, and follows a standard percentage change formulation

$$\left(\frac{Wnew-Wprior}{Wprior}\right).$$

The equipment component, on the other hand, is presented as the change in the PPI relative to 100, which was the value of the PPI in the base year of 1982

$$\left(\frac{Enew-Eprior}{100}\right).$$

FRA essentially used the difference in index points to represent the percent change. Over time, this methodology has resulted in the gradual overstatement of the change in equipment costs and consequently higher reporting thresholds. Moreover, BLS has cautioned against this approach. On June 5, 2015, BLS issued a report entitled ''Escalation Guide for Contracting Parties'' warning, in part, against using index points to represent percent changes,

> because changes in index levels do not reflect percent changes in prices when the values move away from their base level of 100. [. . .] Escalating by index point changes has the effect of overestimating the percentage change in prices when the index is above 100 and underestimating the percentage change in prices when the index level is below 100.[4]

Finally, the result of the calculation, the new threshold, is rounded to the nearest $100.

B. Proposed Revisions to the Method for Calculating the Reporting Threshold

The following analysis first discusses each of the proposed changes to the threshold formula individually (*i.e.,* changing the calculation method for equipment cost changes, and using full-year data), and then examines their combined effect.

Changing the Calculation Method for Equipment Costs to a Simple Percentage Method

FRA analysis found the current formula for computing the reporting threshold does not accurately capture the changes in equipment prices due to a technical error. The PPI values have been steadily increasing relative to the 1982 base value of 100 for the Railroad Equipment PPI used in the formula, and continue to rise. In fact, by 2018 the average equipment PPI was twice as large as the base equipment PPI currently used as the denominator in the formula (*i.e.,* 203.3 vs. 100). As a result, the reporting threshold calculated using the current formula is about $1,400 higher than it would have been if calculated using the proposed formula with the equipment component correction (*i.e.,* if the formula used the same methodology to calculate changes in equipment prices as it did to calculate changes in labor prices.) *See* Table 1 below. FRA proposes to remedy this inconsistency between the wage and equipment components by amending the formula for calculating the reporting threshold so that changes in equipment prices are calculated using the same methodology as currently used to calculate changes in labor prices. In short, FRA proposes to revise the formula to read as follows:

$$Tnew = Tprior \times \left[1 + 0.4\frac{Wnew-Wprior}{Wprior} + 0.6\frac{Enew-Eprior}{Eprior}\right]$$

This proposed revised formula differs from the current formula by replacing the number 100 in the denominator of the equipment component of the formula with *Eprior* (the prior equipment average PPI). The use of *Eprior* as the denominator of the equipment component will better reflect the actual changes in equipment prices over time, resulting in a more accurate reporting threshold from year-to-year. Conversely, in the absence of this revision the threshold will continue to overestimate the actual changes in equipment costs, and the degree of inaccuracy will progressively increase in the future as each year's threshold becomes artificially inflated by using the number 100 as the denominator in the equipment component.

Table 1 below illustrates the artificial acceleration in the reporting threshold using the current formula as compared to the threshold calculated using the proposed revised formula.

TABLE 1—COMPARING REPORTING THRESHOLDS CALCULATED USING THE CURRENT AND PROPOSED FORMULAE: USING 100 IN DENOMINATOR FOR *Eprior* OVERESTIMATES THRESHOLD

Calendar year	Current equipment price denominator	Proposed equipment price denominator	Reporting threshold as published (current formula)	Reporting threshold as calculated (current formula)	Reporting threshold (proposed formula, equipment component correction only)	Difference between proposed and current thresholds (calculated) *
2006	100	135.6	$7,700	$7,700	$7,500	−$200 (−3%)
2007	100	160.2	8,200	8,200	7,800	−400 (−5%)
2008	100	169.7	8,500	8,500	8,000	−500 (−6%)

[2] Since 2005, FRA has used wage data collected and maintained by the STB, reported on Forms A and B—STB Wage Statistics. Railroads report employee service hours and compensation to the STB on a quarterly basis on these forms. FRA uses second-quarter data reported for the Maintenance of Way and Structures Group (Group No. 300), and the Maintenance of Equipment and Stores Group (Group No. 400).

[3] BLS provides equipment index data, reported under LABSTAT Series Report, PPI for Commodities, Series ID WPU144 for Railroad Equipment, base date 1982. As the index numbers are reported monthly, the index numbers for the months of April, May, and June are averaged to produce a second-quarter equipment index number.

[4] *See* Bureau of Labor Statistics, ''Escalation Guide for Contracting Parties,'' Item (9)(c), June 5, 2015 (available at *http://www.bls.gov/ppi/ppiescalation.htm#example*).

TABLE 1—COMPARING REPORTING THRESHOLDS CALCULATED USING THE CURRENT AND PROPOSED FORMULAE: USING 100 IN DENOMINATOR FOR *Eprior* OVERESTIMATES THRESHOLD—Continued

Calendar year	Current equipment price denominator	Proposed equipment price denominator	Reporting threshold as published (current formula)	Reporting threshold as calculated (current formula)	Reporting threshold (proposed formula, equipment component correction only)	Difference between proposed and current thresholds (calculated) *
2009	100	175.6	8,900	8,900	8,300	−600 (−7%)
2010	100	180.2	9,200	9,200	8,500	−700 (−8%)
2011	100	182.0	9,400	9,400	8,700	−700 (−7%)
2012	100	184.6	9,500	9,500	8,800	−700 (−7%)
2013	100	186.4	9,900	9,900	9,000	−900 (−9%)
2014	100	191.5	10,500	10,500	9,400	−1,100 (−10%)
2015	100	197.2	10,500	10,900	9,800	−1,100 (−10%)
2016	100	196.6	10,500	11,200	9,900	−1,300 (−12%)
2017	100	200.6	10,700	11,400	10,000	−1,400 (−12%)
2018	100	203.3	10,700	11,400	10,000	−1,400 (−12%)
Average	100	181.8	9,554	9,746	8,900	−846 (−8%)
Standard Deviation	.....	.....	1,016	1,253	868	389

* *Calculation:* The percent change between the proposed reporting threshold and the current reporting threshold (calculated) is the difference between the two thresholds divided by the current reporting threshold (calculated). For example, for year 2007, percent change = ($7,800–$8,200)/$8,200 = −0.04878 or about −5%.

In Table 1, the Reporting Threshold as Published (Current Formula) column lists the reporting thresholds as published in the **Federal Register**. The Reporting Threshold as Calculated (Current Formula) column differs by listing the reporting thresholds resulting from strictly following the formula. (In both cases, the reporting thresholds are rounded to the nearest $100 after performing the calculation.) The two columns show the same values until 2015. However, for 2015 FRA exercised its discretion and kept the reporting threshold at the calendar year 2014 amount because wage data for 2014 were abnormally high, and so FRA did not use the reporting threshold produced by the formula. The 2014 wages were unusually high because of the retroactive payment of wage increases in the second quarter of 2014 resulting from labor contract agreements (*i.e.,* backpay that was paid as a lump sum in the second quarter). For 2016, FRA again kept the reporting threshold (as published in the **Federal Register**) the same as for 2014 because wages and equipment for the second quarter of 2015 changed only slightly (about one percent) from the second quarter of 2014. Subsequent reporting thresholds listed in the Reporting Threshold as Published (Current Formula) column were determined using the published value as the *Tprior* ''seed value'' in the formula, while subsequent reporting thresholds shown in the Reporting Threshold as Calculated (Current Formula) column use the higher, calculated values of the reporting threshold formula as the value of *Tprior* to calculate the new thresholds. The final column illustrates the widening difference between the reporting threshold calculated using the current formula, and the reporting threshold calculated using the proposed formula with *Eprior* in the denominator of the equipment percentage change term instead of 100.

Using Full-Year Data Instead of Second-Quarter Data for Wages and Equipment Prices

Currently, when FRA calculates a new reporting threshold for an upcoming calendar year, it relies solely on second-quarter data from the current year, which is the most recent data available at the time of the calculation, and second-quarter data from the previous year. Second-quarter data captures data from the three months of April, May, and June. In FRA's estimation, relying on second-quarter data does not accurately represent the data for the entire year because it may fail to reflect overall data trends, seasonal effects, or other changes occurring throughout the year.

FRA proposes to improve its ability to capture and account for seasonal and other changes throughout the year by using a full-year of wage and equipment data in the formula instead of only second-quarter data. STB provides the wages quarterly, but the BLS provides the equipment PPI monthly. To put both wages and equipment PPI in the same time frame, the equipment PPI are grouped into quarters corresponding to the STB wage data. As noted above, the most recent data available at the time the new reporting threshold is calculated are for the second-quarter of the current year. Therefore, to calculate the percent change between current and prior costs, FRA proposes to use data from the second half (third and fourth quarters) of the previous calendar year and the first half (first and second quarters) of the current calendar year to determine the new costs. To calculate the prior costs, FRA would use data spanning the second half of the calendar year two years prior and the first half of the previous calendar year. For example, to calculate the threshold for year 2018 while in year 2017, FRA would use data from the third and fourth quarters of 2016 and from the first and second quarters of 2017 to calculate *Enew* and *Wnew.* For *Eprior* and *Wprior,* FRA would use data from the third and fourth quarters of 2015 and the first and second quarters of 2016. The timeline below demonstrates using full-year data (as four quarters) in this example.

Figure 2. Proposed Time Frame for Using Full-Year Data for Equipment and Wage Inputs (to Calculate the CY 2018 Reporting Threshold Given the Current Year is 2017).

			Eprior and Wprior Time Frame				*Enew and Wnew Time Frame*					
Q4	Q1	Q2	Q3	Q4	Q1	Q2	*Q3*	*Q4*	*Q1*	*Q2*	Q3	Q4
2014	2015	2015	2015	2015	2016	2016	*2016*	*2016*	*2017*	*2017*	2017	2017

With this approach, the estimated threshold would have smaller bias by including the seasonal variations of the railroad wages and the rail equipment PPIs in the threshold estimations.[5]

To see the effect of using full-year data (arrayed as four consecutive quarters) on the reporting threshold independently of other changes, FRA recalculated the reporting threshold for each year since 2006 using the current formula, but using full-year data as proposed. Table 2 below presents the results. The differences between the reporting thresholds calculated using full-year data and those calculated using second-quarter data are small. The use of 100 in the denominator instead of *Eprior* appears as the primary factor in increasing the reporting thresholds over time. Conceptually, however, encompassing a greater data period for use in the formula would help reduce the influence of sudden increases or decreases in wages or equipment prices in the second-quarter, which have occurred in the past.

TABLE 2—COMPARING REPORTING THRESHOLDS CALCULATED USING FULL-YEAR DATA INSTEAD OF ONLY SECOND-QUARTER DATA

[Current formula]

Calendar year	Reporting threshold as calculated (current formula)	Reporting threshold (current formula with full-year data)	Difference between thresholds using full-year and 2nd quarter data
2006	$7,700	$7,600	−$100 (−1%)
2007	8,200	8,100	−100 (−1%)
2008	8,500	8,500	0 (0%)
2009	8,900	8,900	0 (0%)
2010	9,200	9,400	200 (2%)
2011	9,400	9,600	200 (2%)
2012	9,500	9,700	200 (2%)
2013	9,900	10,000	100 (1%)
2014	10,500	10,600	100 (1%)
2015	10,900	10,900	0 (0%)
2016	11,200	11,300	100 (1%)
2017	11,400	11,600	200 (2%)
2018	11,400	11,600	200 (2%)
Average	9,746	9,831	85 (1%)
Standard Deviation	1,253	1,324	114

Combining Both Proposed Changes: Changing the Calculation Method for Equipment Costs to a Simple Percentage Method, and Using Full-Year Data

Finally, to demonstrate the results of FRA's proposals in this document to (1) correct the mathematical error in the equipment component of the existing formula (*i.e.,* substitute *Eprior* for 100 in the denominator of the equipment term), and (2) use full-year data instead of only second-quarter data, FRA recalculated the reporting threshold for each year since 2006 implementing both these proposals. Table 3 lists the results of these calculations. Table 3 demonstrates that adopting both of these proposals will generally result in a slightly lower reporting threshold, which may increase the number of reported incidents.

TABLE 3—COMPARING REPORTING THRESHOLDS CALCULATED USING THE PROPOSED FORMULA WITH FULL-YEAR DATA, TO THE REPORTING THRESHOLDS CALCULATED USING THE CURRENT FORMULA

Calendar year	Reporting threshold as calculated (current formula)	Reporting threshold (proposed formula with full-year data, NPRM)	Difference between proposed full-year, and current thresholds
2006	$7,700	$7,500	−$200 (−3%)
2007	8,200	7,800	−400 (−5%)
2008	8,500	8,100	−400 (−5%)
2009	8,900	8,400	−500 (−6%)
2010	9,200	8,800	−400 (−4%)

[5] Using full-year data is less biased and more accurate than using only second-quarter data, but in some years by chance using second-quarter data might yield wage and equipment data closer to the actual prices for these inputs.

TABLE 3—COMPARING REPORTING THRESHOLDS CALCULATED USING THE PROPOSED FORMULA WITH FULL-YEAR DATA, TO THE REPORTING THRESHOLDS CALCULATED USING THE CURRENT FORMULA—Continued

Calendar year	Reporting threshold as calculated (current formula)	Reporting threshold (proposed formula with full-year data, NPRM)	Difference between proposed full-year, and current thresholds
2011	9,400	9,000	−400 (−4%)
2012	9,500	9,100	−400 (−4%)
2013	9,900	9,300	−600 (−6%)
2014	10,500	9,700	−800 (−8%)
2015	10,900	9,900	−1,000 (−9%)
2016	11,200	10,100	−1,100 (−10%)
2017	11,400	10,300	−1,100 (−10%)
2018	11,400	10,300	−1,100 (−10%)
Average	9,746	9,100	−646 (−6%)
Standard Deviation	1,253	947	328

Figure 3 below further illustrates the differences between the current and proposed reporting thresholds incorporating both proposed changes.

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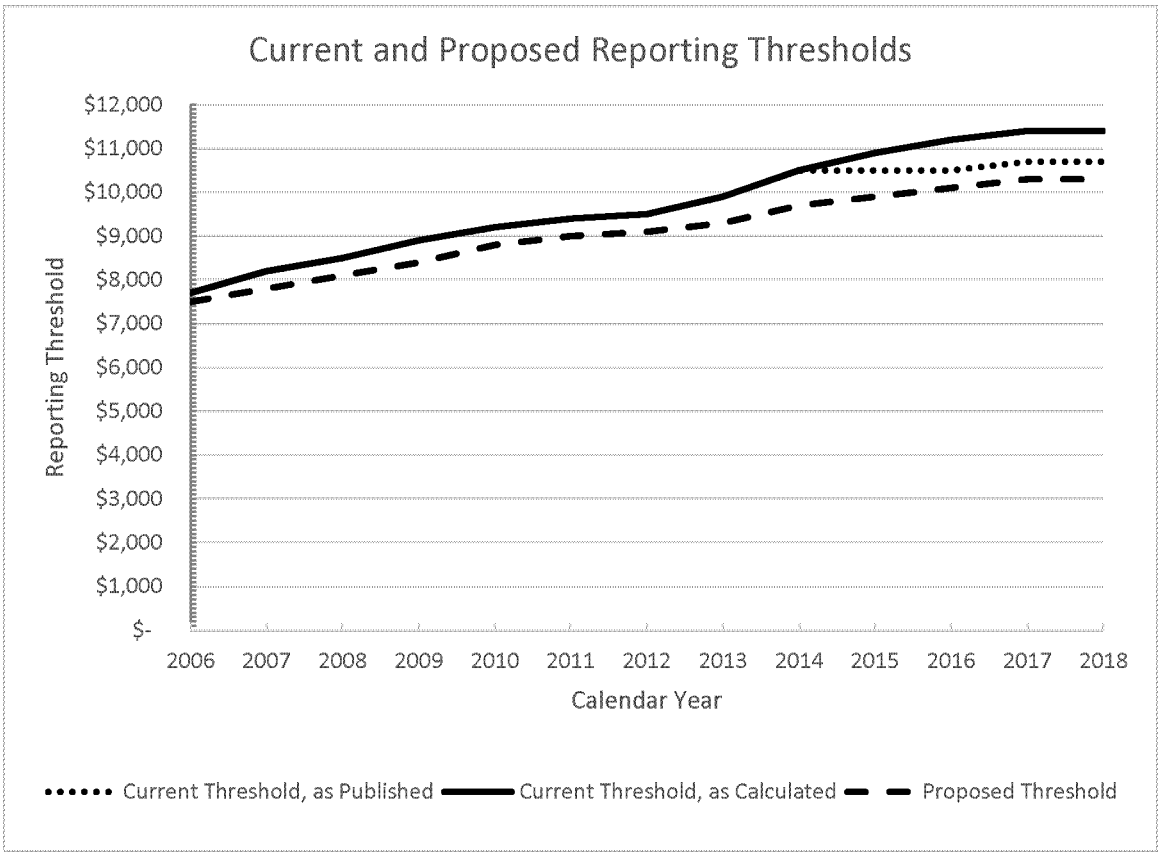
Figure 3: Reporting Threshold Calculated Using the Current Formula will Continue to Increase Without Corrections.



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The table and chart demonstrate that, over time, the differences increase between the reporting threshold as currently calculated, and the reporting threshold calculated with the proposed changes. The proposed threshold also increases more gradually, and shows less variability than the thresholds calculated using the current formula. FRA expects the proposed threshold will more accurately reflect the changes in wages and equipment costs railroads incur because the proposed threshold corrects a mathematical flaw, and uses a longer period of data upon which to base the new estimated threshold.

Alternative Approach: Calculate the Reporting Threshold Using a Price Index

An alternative to the current procedure for calculating the reporting threshold is to update the reporting threshold using a price index. A commonly-used price index is the CPI,

but it is primarily used to adjust prices paid by consumers, not businesses. Instead of the CPI, a more appropriate price index could be constructed using the equipment PPI and STB wages already used in the threshold formula. Using an index may reduce the effect of carrying forward flawed *Tprior* values when calculating the new thresholds, and may also be a simpler approach. However, the lag in prices used to calculate the new reporting thresholds will still exist.

There are several steps to calculate the price index. First, FRA selects a base year for the price index, and sets the value of the index at 100 for the base year. Then the equipment PPI and STB wages can be re-based to the selected base year to form two price indices. Next, the equipment PPI and wage indices can be combined to construct a composite wage-equipment price index. Finally, the base-year reporting threshold can be updated using the composite price index.

For the base year, FRA selects 2006 because the threshold for that year reflects the last substantive change that was made to the threshold calculation by substituting STB wage data for BLS wage data that were no longer available. (Other base years are possible as well.) The equipment PPI can be re-based to 2006 by dividing the PPI for future years by the 2006 PPI, and then multiplying by 100:

Equipment PPI with 2006 *Base Year* = (*Calendar Year Equipment PPI* ÷ 2006 *Equipment PPI*) × 100

For example, the 2007 re-based PPI is calculated by:

2007 equipment PPI with 2006 base year = (176.4/169.4) *100 = 104.1. (See table below.)

To make the wage index, first the hourly wages for Group No. 300 employees (Maintenance of Way and Structures) and the Group No. 400 employees (Maintenance of Equipment and Stores) are averaged (*i.e.,* the same STB wage data that is currently used in the threshold formula). Next, the average wages are expressed as an index by dividing them by the 2006 average wage, and multiplying by 100:

Average Wage with 2006 *Base Year* = (*Calendar Year Average Wage* ÷ 2006 *Average Wage*) × 100

For example, the 2007 wage index is calculated by:

2007 wage index with 2006 base year = ($23.31/$22.20) * 100 = 105.0.

To calculate the composite wage-equipment price index, FRA calculated the weighted average of the wage and equipment PPI indices using the weights of 0.4 and 0.6 respectively, for each calendar year in the period of analysis. To determine the new threshold, a ratio of the composite price index for the base year to the composite price index for the calendar year of interest, equal to the ratio of the reporting threshold for the base year to the reporting threshold for the calendar year of interest (the unknown threshold) is set-up. Solving for the unknown threshold for the calendar year of interest yields:

$$Threshold\ for\ Calendar\ Year = \frac{Composite\ Price\ Index\ Calendar\ Year \times Threshold\ 2006}{Composite\ Price\ Index\ 2006}$$

Continuing with year 2007 for an example, the threshold for that year is calculated by: 2007 Threshold = (104.5 * $7,700) / 100 = $8,045 or $8,000 when rounded to the nearest $100. The data used to construct the composite price index and resulting thresholds for this alternative are summarized in the table below.

TABLE 4—ALTERNATIVE APPROACH TO CALCULATING THE REPORTING THRESHOLD USING A COMPOSITE WAGE-EQUIPMENT PRICE INDEX

Calendar year	Equipment PPI	PPI re-based index	Wage, group no. 300 ($)	Wage, group no. 400 ($)	Average wage ($)	Wage re-based index	Composite price index	Alternative threshold ($)
2006	169.4	100.0	22.17	22.22	22.20	100.0	100.0	7,700
2007	176.4	104.1	23.65	22.96	23.31	105.0	104.5	8,000
2008	180.2	106.4	24.44	24.01	24.23	109.1	107.5	8,300
2009	181.9	107.4	24.81	26.25	25.53	115.0	110.4	8,500
2010	184.4	108.9	24.01	25.70	24.86	112.0	110.1	8,500
2011	187.0	110.4	25.43	25.81	25.62	115.4	112.4	8,700
2012	191.8	113.2	27.05	27.20	27.13	122.2	116.8	9,000
2013	195.7	115.5	28.07	28.46	28.27	127.4	120.3	9,300
2014	197.7	116.7	29.34	29.48	29.41	132.5	123.0	9,500
2015	201.9	119.2	30.49	30.80	30.64	138.1	126.7	9,800
2016	203.3	120.0	30.67	30.86	30.76	138.6	127.4	9,800
2017	203.2	120.0	30.98	30.91	30.95	139.4	127.7	9,800
2018	202.9	119.8	32.62	32.60	32.61	146.9	130.6	10,100
Average								9,000
Standard Deviation								777

Sources: Equipment PPI from the Bureau of Labor Statistics (BLS), PPI for commodities, Series ID WPU144 for Railroad Equipment, base data 1982. Wage data from the Surface Transportation Board, Composite of Annual Wage Forms A and B submitted by Class I railroads.

Going forward, if this alternative approach is adopted, FRA anticipates calculating the reporting threshold in December of every year. At that time, 3 quarters of wage data and 11 months of equipment PPI data would be available, which is only slightly less than a full calendar year of data. For the missing one quarter of wage data, and one month of equipment PPI data, FRA could average the available time periods for that calendar year to substitute for the missing values. Using an average to estimate the missing values may be more simple than extending the time period into the previous calendar year to capture a full-year's worth of data. FRA requests comment on this

alternative approach and which year FRA should use as the base year for calculating future reporting thresholds.

The series of thresholds produced by the alternative method are similar to, but slightly lower than, the thresholds calculated using the NPRM proposed formula with full-year data. The average of both the alternative thresholds and NPRM thresholds is $9,000. Both the alternative thresholds and NPRM thresholds are lower than the thresholds calculated by the current formula, which average $9,746.

C. Proposal To Issue an Annual Notice of Reporting Threshold

FRA proposes to discontinue its current practice of issuing a final rule each year incorporating into 49 CFR part 225 the reporting threshold for the upcoming calendar year (CY). Instead, FRA proposes to issue an annual notice on FRA's website stating the reporting threshold amount for the upcoming CY. This notice would be more practical and efficient than FRA's current practice of issuing a final rule each year. Using a notice would allow FRA to quickly make the adjusted reporting threshold available.

While FRA did not seek comment on its annual final rules adjusting the reporting threshold, FRA did receive one comment about the reporting threshold from the Association of American Railroads (AAR) in its comments to the proposed information collection request (ICR) for the Accident/Incident Reporting and Recordkeeping (part 225) regulation, ICR OMB Control Number 2130–0500. In November 2016, AAR commented that FRA should update the reporting threshold because it had not been updated since December 2013. AAR noted that not updating the threshold reduced the value of the accident statistics, which are used by the railroad industry to evaluate safety and develop safety initiatives. FRA acknowledges the reporting threshold was not changed from 2014 through 2016 as explained earlier under Table 1. FRA is reviewing the method for calculating the reporting threshold in this rulemaking. Given the new reporting threshold is based upon a set formula—the development of which is subject to notice and comment in this rulemaking—notice and comment procedures associated with annual adjustments to the reporting threshold are not necessary.

D. Notice and Comment Procedures

FRA believes a 60-day comment period is appropriate to allow the public to comment on this proposed rule. FRA solicits written comments on all aspects of this proposed rule.

III. Regulatory Review and Notices

A. Executive Orders 12866 and 13771 and DOT Regulatory Policies and Procedures

This NPRM is a non-significant rulemaking and evaluated in accordance with existing policies and procedures under Executive Order 12866 and DOT Order 2100.6. *See* 58 FR 51735, Sep. 30, 1993 and *https://www.transportation.gov/regulations/2018-dot-rulemaking-order.* This rulemaking is not a regulatory action under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' because this proposed rule is not significant under E.O. 12866. See 82 FR 9339, Jan. 30, 2017.

FRA proposes to revise its formula for determining the reporting threshold. The changes have been described in detail in the ''Background'' section above. The changes are intended to improve the accuracy of the reporting threshold, and the resulting rail equipment accident/incident data gathered from the railroads over time. The improved data is expected to help formulate regulations that better address safety risks. Table 5 below summarizes these costs and benefits.

TABLE 5—SUMMARY OF COSTS AND BENEFITS

[Over a 10-year period of analysis]

	New costs	Cost savings *	Benefits
Undiscounted, Nominal	$202,032	$12,710	Qualitative: More Accurate Data.
Present Value (PV) at 3%	170,744	10,842	Qualitative: More Accurate Data.
Present Value (PV) at 7%	138,913	8,927	Qualitative: More Accurate Data.
Annualized at 3%	20,016	1,271	Qualitative: More Accurate Data.
Annualized at 7%	19,778	1,271	Qualitative: More Accurate Data.

* FRA will save some costs from the proposal to issue a notice, which is easier administratively and reduces printing costs, than the current practice of publishing a final rule.

The regulatory evaluation uses the no-action baseline to describe the expected impacts of the proposed rule. The no-action baseline is simply the threshold calculated using the current formula without any proposed changes. The potential incremental costs and benefits of the proposed rule are compared to the no-action baseline.

The two proposed revisions of standardizing the change in the equipment costs calculation, and using full-year data (in terms of four consecutive quarters) would result in a more accurate reporting threshold in comparison to the current threshold. The proposed reporting threshold with both revisions averages about six percent lower than the current threshold (*see* Table 3). The lower threshold would result in marginally higher numbers of reported rail equipment accidents/incidents in comparison to the reporting threshold calculated using the current flawed formula. However, railroads already maintain these accident/incident records (for accidents/incidents which are below the current reporting threshold) even though they are not submitted to FRA. Under 49 CFR 225.25(d)–(g), railroads maintain these ''accountable rail equipment accident/incident'' events (as defined in section 225.5) on Form FRA F 6180.97 or an alternative form. Thus, the potential burden to submit additional accident/incident data would primarily be an administrative burden.

FRA estimates the cost of submitting these potential additional rail equipment accident/incident reports as the cost of an individual rail equipment accident/incident report multiplied by the number of additional reports. Furthermore, the cost of an individual rail equipment accident/incident report may be decomposed into the amount of labor hours needed to complete an accident report multiplied by the wage rate for the railroad personnel most likely to perform this task. The amount of labor hours to complete a Form F 6180.54 to report a rail equipment accident/incident was previously estimated for the railroad accidents/incidents reporting rule in ''Miscellaneous Amendments to the

Federal Railroad Administration's Accident/Incident Reporting Requirements; Final Rule.'' *See* 75 FR 68862 (Nov. 9, 2010). For that rule, the Paperwork Reduction Act analysis estimated two hours per response to complete a rail equipment accident/incident report. (Note the task to transfer information from Form FRA F 6180.97 to Form F 6180.54 to report rail equipment accidents/incidents to FRA may take less time.) The personnel most likely to complete a rail equipment accident/incident report would be administrative personnel, such as a railroad safety officer, or someone performing those assigned functions. This analysis uses the wage rate for Professional and Administrative employees, STB Group No. 200, as an appropriate wage for estimating the costs of completing a report.[6] The average straight time wage rate of $41.15 is burdened for overhead expenses by 75 percent to produce an hourly rate of $72.01 per hour. The marginal cost of submitting an accident/incident report is therefore:

2 hours per Form F 6180.54 * $72.01 per hour = $144.02 per additional accident/incident report, rounded to $144.

By definition, railroads are not required to submit reports for accidents/incidents resulting in monetary damages below the current threshold, making it difficult to estimate the number of potential extra rail equipment accident/incident reports that may be submitted because of a slightly lower proposed threshold. However, rather than provide little information about the impacts of this proposed rule, FRA makes the following assumptions and inferences in order to at least describe the potential impacts.

(1) This analysis reasons the rail equipment accidents/incidents affected by the proposed rule would be those with monetary damages ''near'' the threshold amount. That is, rail equipment accidents/incidents with far greater monetary damages, or those with much lower monetary damages, than the current reporting threshold will not be affected by a small decrease in the reporting threshold.

(2) ''Near'' the reporting threshold is set at $12,000 for the purposes of this analysis.

(3) FRA broadly assumes the pattern of rail equipment accidents/incidents occurring near and above the threshold is the same as the pattern of accidents/incidents occurring near and below the threshold. Essentially, the rail equipment accidents/incidents that are not reported to FRA are assumed to be a mirror image of the rail equipment accidents/incidents near and above the threshold that are reported to FRA. For the narrow band of accidents under consideration for this analysis, the distribution of accidents/incidents above and below the threshold may reasonably be similar.

(4) As sample data for discussion purposes, the distribution of rail equipment accidents/incidents near the threshold for the years 2014 to 2018 (5 years) is used. Those years represent a more recent data sample for the threshold. For 2014 to 2016, the $12,000 ''near'' boundary is about 15 percent above those years' reporting threshold of $10,500 (which forms the lower boundary for those years). Similarly, for 2017 and 2018, the $12,000 ''near'' boundary is about 12 percent above those years' reporting threshold amount of $10,700 (again, the lower boundary for those year). The train accident data are presented below.

TABLE 6—NUMBER OF REPORTED TRAIN ACCIDENTS ''NEAR'' THE REPORTING THRESHOLD, FOR EVERY $100 INCREASE IN THE THRESHOLD

Reported train accident monetary damage interval ($)	No. of train accidents 2014	No. of train accidents 2015	No. of train accidents 2016	No. of train accidents 2017	No. of train accidents 2018
10,400–10,500	3	0	2	.....	.....
10,500–10,600	11	4	6		
10,600–10,700	8	8	5	1	0
10,700–10,800	9	4	9	14	7
10,800–10,900	10	5	9	3	7
10,900–11,000	11	19	7	14	18
11,000–11,100	8	13	1	9	8
11,100–11,200	12	5	3	10	4
11,200–11,300	9	4	7	7	5
11,300–11,400	4	8	8	7	8
11,400–11,500	13	10	6	9	6
11,500–11,600	9	9	8	13	3
11,600–11,700	10	17	6	3	3
11,700–11,800	7	7	9	5	9
11,800–11,900	10	9	8	4	8
11,900–12,000	14	8	10	13	13
Total	148	130	104	112	99
Average (Overall Avg. = 7.8)	9.3	8.1	6.5	8.0	7.1
Standard Deviation	2.9	4.9	2.6	4.4	4.5

* The reporting threshold was $10,500 from 2014 to 2016, and $10,700 from 2017 to 2018.

In the above table, the lower and upper boundaries for the separate monetary intervals in the first column contain reported damages greater than the lower boundary amount for that interval, up to and including the upper boundary amount for that interval. For example, if $X is the reported accident damage falling in the range $11,000–$11,100, then the interval may be written as: $11,000 < $X ≤ $11,100.

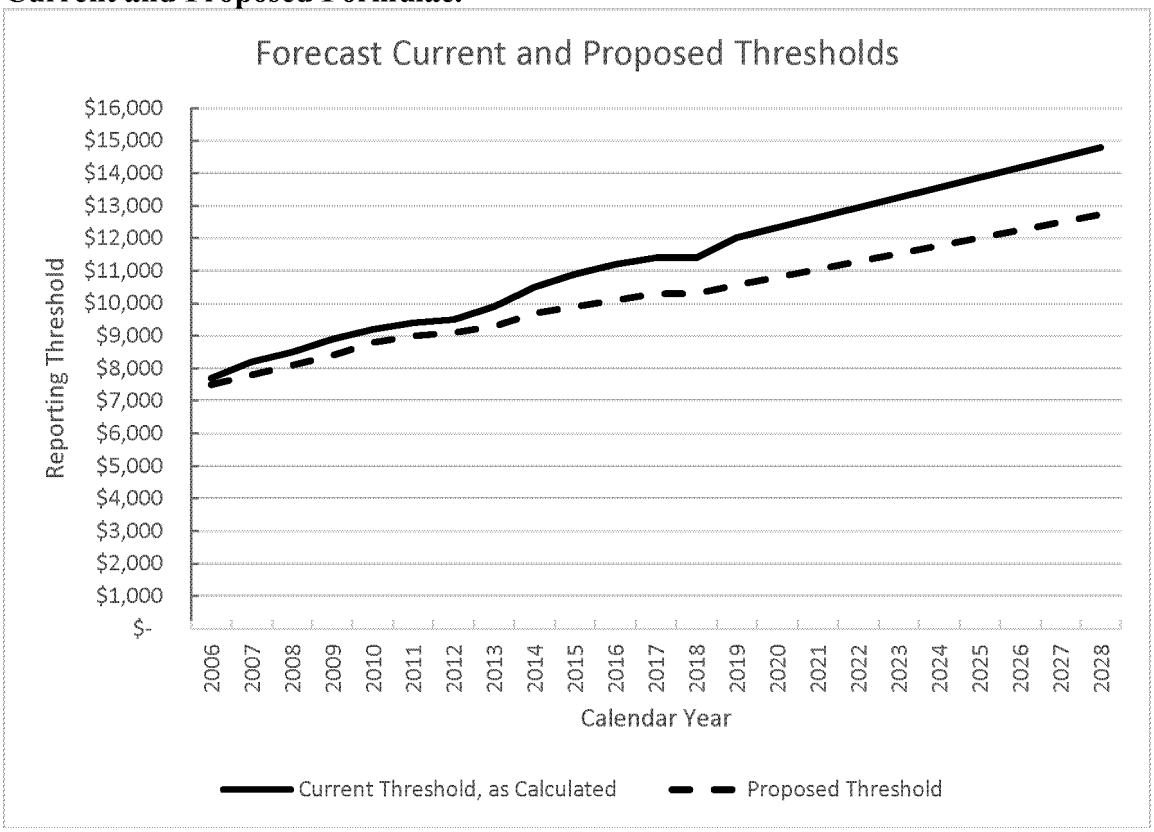
Table 6 shows railroads reported 148 total rail equipment accidents/incidents near the threshold in 2014, representing

[6] *See* STB, ''Annual Compilation of Wage Statistics of Class I Railroads in the United States, 2017,'' at *http://www.stb.dot.gov/stb/industry/econ_reports.html.*

about 8 percent of all the rail equipment accidents/incidents reported in that calendar year (calculated as 148/1886 total rail equipment accidents/incidents for 2014 = 0.078 ≈ 8 percent). Additionally, in 2014, on average there were about 9 rail equipment accidents/incidents for every $100 increase in reported monetary damages. (Calculated as 148/16 intervals = 9.3 ≈ 9 rail equipment accidents/incidents). The rail equipment accident/incident experience near the threshold for the other years (2015 to 2018) was slightly lower, representing about 5 to 7 percent of the total rail equipment accidents/incidents reported for those years. Overall, for the years 2014 to 2018, the railroads reported an average of 8 rail equipment accidents/incidents for every $100 increase in reported monetary damages.

Next, FRA determined the number of additional rail equipment accident/incident reports that railroads may be required to submit to FRA in the future under the proposed rule. To estimate these future accident/incident reports, FRA forecast both the reporting thresholds calculated using the current formula, and the reporting thresholds calculated using the proposed formula with full-year data, for the years 2019 to 2028. The forecasted thresholds are illustrated below.[7]

Figure 4: Forecast from 2019 to 2028 of Reporting Thresholds Calculated Using the Current and Proposed Formulae.



The chart above shows the two reporting thresholds moving further apart as the flawed formula produces a higher and higher reporting threshold over time.

From the forecast of current and proposed thresholds, FRA calculated the monetary difference between the two thresholds for each year from 2019 to 2028. To convert these monetary differences to the estimated number of accident/incident reports, FRA applied the previously-determined rate of 8 accidents for every $100 increase in reported monetary damages. For example, for year 2020, the expected difference between the current and proposed thresholds is $1,522. See Table 7. To convert this amount to the number of accident/incidents, the following proportion was used in which 8 accidents/incidents is to the unknown *X*-number of accidents/incidents per year, as $100 is to the $1,522 difference between the current and proposed thresholds.

[7] FRA used the ''Forecast Sheet'' function in Microsoft Excel 2016 to forecast both the current reporting threshold, and the proposed reporting threshold for the years 2019 to 2028. The forecast was based on the series of current reporting thresholds and proposed thresholds for the period 2006 to 2018 as shown in Table 3. Given the data is historical in nature, the forecast function was used to perform the time series analysis. The forecast function uses the exponential smoothing (error, trend, seasonal) algorithm. For a description of the forecast sheet function, see: *Create a Forecast In Excel for Windows,* accessed at *https://support.office.com/en-us/article/create-a-forecast-in-excel-for-windows-22c500da-6da7-45e5-bfdc-60a7062329fd.*

$$\frac{8\,accidents_incidents}{X} = \frac{\$100}{\$1522}$$

$$X = \frac{(8\,accidents_incidents * \$1522)}{100}$$

X =121.76 accidents_incidents ≈ 122 accidents_incidents for year 2020.

The number of accidents/incidents for the other years in the forecast period are calculated similarly.

Finally, to monetize these additional estimated accident/incident reports, FRA multiplied the $144 cost to submit an accident/incident report by the estimated number of additional reports. For example, for year 2020 the expected cost is $17,568. (Calculated as 122 accidents/incidents * $144 per accident/incident report = $17,568.) Performing similar calculations for the remaining years in the forecast period results in the cost schedule below. The present value of total costs discounted at a 7 percent discount rate equals $138,913, and when discounted at a 3 percent rate equals $170,744. These costs may be overstated because the set of current reporting thresholds as calculated was subtracted from the proposed reporting thresholds. Instead, if the set of current reporting thresholds as published was used as the baseline and subtracted from the proposed thresholds, the differences would be somewhat smaller, resulting in fewer estimated incremental accident/incident reports. However, FRA did not forecast the reporting thresholds as published because they reflect FRA discretion and may not be representative of future thresholds.

TABLE 7—ESTIMATED COSTS BASED ON FORECASTED NUMBER OF RAIL EQUIPMENT ACCIDENTS/INCIDENTS

Calendar year	Reporting threshold (current formula) calculated	Reporting threshold (proposed formula with full-year data, NPRM)	Difference between proposed full-year and current thresholds	Number of extra accidents/ incidents reported (rounded)	Estimated annual cost @$144 per accident/ incident
2019	$12,021	$10,566	−$1,456	116	$16,704
2020	12,329	10,807	−1,522	122	17,568
2021	12,637	11,048	−1,589	127	18,288
2022	12,944	11,289	−1,655	132	19,008
2023	13,252	11,530	−1,721	138	19,872
2024	13,559	11,771	−1,788	143	20,592
2025	13,867	12,012	−1,854	148	21,312
2026	14,174	12,254	−1,921	154	22,176
2027	14,482	12,495	−1,987	159	22,896
2028	14,789	12,736	−2,053	164	23,616
Total Undiscounted Cost 2019–2028 (10 Years), Nominal					202,032
Present Value (PV) of Total Cost Discounted at 7% 2019–2028					138,913
Present Value (PV) of Total Cost Discounted at 3% 2019–2028					170,744
Total Annualized Cost Using 7% Discount Rate 2019–2028					19,778
Total Annualized Cost Using 3% Discount Rate 2019–2028					20,016

To account for the costs of a lower reporting threshold resulting from the proposed changes, FRA would need to estimate the number of extra rail equipment accidents/incidents that railroads would report. However, those accidents/incidents are not currently reported. This analysis makes some assumptions about the distribution of those unreported accidents/incidents in order to offer some useful information about the proposed rule's potential impacts. FRA seeks comments from the public on the assumptions used.

Earlier, FRA presented an alternative approach to calculate the reporting thresholds using a wage-price composite index. The resulting thresholds were slightly lower than the thresholds produced using the proposed threshold formula with full-year data (*i.e.,* the NPRM proposal). Therefore, the marginal costs of the alternative approach are higher because railroads would report more accidents/incidents. If the alternative approach is adopted, the present value of total costs discounted at 7 percent would equal $175,492, and when discounted at 3 percent, would equal $216,568. The annualized cost using a 7 percent rate would be $24,986, and using a 3 percent rate would be $25,338.[8]

[8] For brevity, the estimated extra accidents/incidents reported under the alternative approach and the corresponding costs are shown as ordered pairs in the form of *Year (Extra Accidents/Incidents, Cost)*: {2019(138, $19,872), 2020(147, $21,168), 2021(156, $22,464), 2022(165, $23,760), 2023(174, $25,056), 2024(183, $26,325), 2025(192, $27,648), 2026(201, $28,944), 2027(210, $30,240), 2028(219, $31,536).

To put the proposed rule's potential costs into context, the incremental costs are compared to the total costs for reporting rail equipment accidents/incidents with damages greater than the reporting threshold. The industry-total costs for reporting 1,886 rail equipment accidents/incidents in 2014, for example, was equal to $271,584 at a cost of $144 per accident/incident report. From above, the annualized cost using a 7 percent or 3 percent interest rate is about $20,000. Thus, the marginal cost of the proposed threshold revisions is about 7 percent of the total industry accident reporting costs. (Calculated as $20,000 approximate annual cost/$271,584 sample total annual cost = 0.0736 ≈ 7 percent.) Thus, the typical cost of the proposed revisions is expected to be relatively small.

Furthermore, the effect of the proposed rule is expected to be even smaller in the context of all reported accidents/incidents, which include rail equipment accidents/incidents above the reporting threshold (*i.e.,* train accidents), highway-rail incidents, and other incidents. From 2014 to 2018, railroads reported approximately 12,000 accidents/incidents annually on average, or about six times as many rail equipment accidents/incidents.

Separately from changes to the reporting threshold calculation, FRA proposes to publish an annual notice on FRA's website notifying stakeholders of the new reporting threshold for the following year. Currently, FRA publishes a final rule in the **Federal Register**. The publication of an annual notice instead of an annual final rule would result in less administrative costs for FRA. By not having to publish a final rule in the **Federal Register**, FRA would save on printing costs. The Government Printing Office (GPO) charges agencies $151 per column to publish material in the **Federal Register**, and $85 per page to publish material in the Code of Federal Regulations (CFR).[9] FRA counted the number of columns in the **Federal Register** occupied by the reporting threshold final rule for the years 2007 to 2018.[10] The reporting threshold final rule occupied an average of 8 columns annually, for an average annual cost of $1,271. (Calculated as 8 columns * $151 per column = $1,271 per year for publishing costs.)

The new reporting thresholds are also printed in the CFR in 49 CFR 225.19(c) and (e). FRA amends the existing list of reporting thresholds by adding the new threshold. Since only the new threshold amount is added (seven characters), only a small amount of additional space on the page is needed, even over the 10 year period of analysis. Therefore, the publishing cost for the additional space in the CFR for adding the new threshold amount will be small. The table below accounts for the cost savings from publishing a notice of the new reporting threshold to FRA's website, instead of publishing it in a final rule in the **Federal Register**.

TABLE 8—COST SAVINGS RESULTING FROM NOT PUBLISHING THE NEW YEARS' REPORTING THRESHOLD NOTICE IN THE **Federal Register**

Calendar Year	Avg. number of columns printed in **Federal Register** for new reporting threshold notice	Printing cost for **Federal Register** reporting threshold notice @$151 per column
2019	8	$1,271
2020	8	1,271
2021	8	1,271
2022	8	1,271
2023	8	1,271
2024	8	1,271
2025	8	1,271
2026	8	1,271
2027	8	1,271
2028	8	1,271
Total Undiscounted Cost 2019–2028 (10 Years), Nominal		12,710
Present Value (PV) of Total Cost Discounted at 7% 2019–2028		8,927
Present Value (PV) of Total Cost Discounted at 3% 2019–2028		10,842
Total Annualized Cost Using 7% Discount Rate 2019–2028		1,271
Total Annualized Cost Using 3% Discount Rate 2019–2028		1,271

The rail equipment accident/incident data FRA gathers under 49 CFR part 225 is used in support of many safety regulations and programs. The proposed revisions would help ensure the reporting threshold accurately reflects the cost changes over time that occur in incident damages. Admittedly, as the small number of rail equipment accidents/incidents near the threshold reduces the costs of these proposed changes, it also reduces the potential benefits of the proposed changes. Nevertheless, through greater accuracy of the reporting threshold, the quality of the collected train accident data is expected to improve. With access to higher quality data, future analyses supporting rulemakings will improve the efficiency of safety risk targeting, and help to better identify accident/incident trends. A more accurate reporting threshold will also permit valid comparisons of rail equipment accident/incident rates across years.

In addition to FRA, other users of railroad safety data, such as students, researchers, industry stakeholders, and the general public will benefit from adopting the revisions in the proposed rule. FRA makes the train accident data, along with other rail accident/incident data, available to the public on the FRA Office of Safety Analysis website.[11] As of March 2019, over 2.7 million people have visited the website. These users will benefit by having access to higher-quality data.

Given the wide range of regulations and projects that use train accident data, it is difficult to monetize the marginal contributions that better data might make to these regulations. Also, higher quality data might benefit other projects for which private parties use the data.

Based on the cost analysis and benefits discussion above, FRA believes the proposed rule may have a positive

[9] *See* GPO Circular Letter No. 1007 (June 4, 2018), available at *https://www.gpo.gov/how-to-work-with-us/agency/circular-letters/open-requisitions-sf1-for-federal-register-and-code-of-federal-regulations.*

[10] Year 2006 was excluded because FRA made a substantive change to the formula and the **Federal Register** notice for that year was atypically longer at 13 columns.

[11] *See http://safetydata.fra.dot.gov/Officeof Safety/Default.aspx.*

impact on analyses by improving the accuracy of FRA's rail equipment accident/incident data. The proposed rule will impact a small number of rail equipment accidents/incidents that occur near the reporting threshold, resulting in minimal costs. The benefits of the proposed rule will affect users conducting analysis in support of safety programs, as well as other data users.

FRA invites comments on the assumptions and analysis employed in this analysis.

B. Regulatory Flexibility Determination

This section examines the impact of the proposed rule on small entities. FRA is proposing changes to the way the reporting threshold is calculated. FRA proposes a minor mathematical correction to the way the percent change in equipment costs is calculated in the reporting threshold formula. Also, FRA proposes to use 12 months of data in the reporting threshold calculation, instead of the current practice of using only 3 months of data. Finally, FRA proposes to notify railroads of the new reporting threshold for the upcoming year by publishing an annual notice on FRA's website, as opposed to its current procedure of publishing an annual final rule in the **Federal Register**. These changes are explained in more detail in the ''Background'' section above.

FRA expects the proposed, technical changes to the reporting threshold formula to yield lower reporting thresholds in the future in comparison to reporting thresholds calculated using the current formula. The technical changes are expected to improve the accuracy of train accident data, but may result in marginally increasing the number of rail equipment accidents/incidents railroads are required to report. FRA estimates the number of extra rail equipment accidents/incidents reported will be small, and therefore the corresponding burden on small entities will be minimal.

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, and Executive Order 13272, Proper Consideration of Small Entities in Agency Rulemaking, 67 FR 53461 (Aug. 16, 2002), require agency review of proposed and final rules to assess their impact on small entities, unless the Secretary certifies that the rule will not have a significant economic impact on a substantial number of small entities. Under section 312 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, FRA has issued a final policy statement that formally establishes ''small entities'' are railroads that meet the line-haulage revenue requirements of a Class III railroad, which is $20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less. *See* 49 CFR part 209, app. C. For other entities, the same dollar limit in revenues governs whether a railroad, contractor, or other respondent is a small entity. *Id.*

Description of Regulated Entities

All railroads currently governed by 49 CFR part 225 railroad accident/incident reporting requirements will be subject to this proposed rule. Of those, FRA considers about 735 of the approximately 784 railroads in the United States to be small entities. Although most of the railroads are small entities, the frequency of rail equipment accidents/incidents, and the frequency of subsequent required reporting, is generally proportional to the size of the railroad. A railroad that employs thousands of employees and operates trains millions of miles is exposed to greater risks than one whose operation is substantially smaller. Small railroads may go for months at a time without having a reportable occurrence of any type, and even longer without having a rail equipment accident/incident with monetary damages greater than the reporting threshold, as defined in 49 CFR part 225. For example, over the five-year period from 2014 to 2018, small railroads reported an average of 14 percent of the total number of rail equipment accidents/incidents.[12]

Substantial Number of Small Entities

For the small railroads, FRA conducted a similar analysis for all railroads above and reviewed the rail equipment accidents/incidents ''near'' the threshold. Following the analysis for all railroads, ''near'' is defined for the purposes of this analysis as $12,000. These rail equipment accidents/incidents represent those most likely affected by the proposed rule. (As noted earlier, accidents/incidents below the reporting threshold are not reported.) As an example, in 2014, 18 small railroads reported 20 rail equipment accidents/incidents near the threshold (the high). In 2016, 8 small railroads reported 8 rail equipment accidents/incidents near the threshold (the low, *see* Table 8). Based on the period from 2014 to 2018, the small railroads likely affected by this proposed rule range between 1.1 to 2.4 percent of all small railroads, averaging 1.7 percent (about 12 small railroads). (Calculation example for 2014: 18 small railroads with rail equipment accidents/incidents near the threshold/735 small railroads = 0.024.)

TABLE 8—NUMBER OF REPORTED TRAIN ACCIDENTS ''NEAR'' THE REPORTING THRESHOLD, FOR EVERY $100 INCREASE IN THE THRESHOLD: SMALL ENTITIES

Reported train accident monetary damage interval ($)	Number of train accidents 2014	Number of train accidents 2015	Number of train accidents 2016	Number of train accidents 2017	Number of train accidents 2018
10,400–10,500	1	0	2	.....	.....
10,500–10,600	2	0	0	.....	.....
10,600–10,700	2	2	0	.....	.....
10,700–10,800	1	1	0	0	0
10,800–10,900	0	0	0	1	0
10,900–11,000	3	3	0	2	2
11,000–11,100	3	3	0	0	0
11,100–11,200	2	2	1	1	1
11,200–11,300	0	0	0	1	0
11,300–11,400	2	0	0	1	1
11,400–11,500	1	1	0	0	1
11,500–11,600	0	0	2	1	0
11,600–11,700	1	2	0	1	0

[12] Class III rail equipment accidents/incidents divided by all railroad rail equipment accidents/incidents, by year: Year 2014—272/1,886=14%; year 2015—292/1,934=15%; year 2016—251/1,721=15%; year 2017—237/1,760=13%; year 2018—240/1,836=13%. Source: Agency query of FRA Safety Data website at *http://safetydata.fra.dot.gov/OfficeofSafety/Default.aspx.*

TABLE 8—NUMBER OF REPORTED TRAIN ACCIDENTS "NEAR" THE REPORTING THRESHOLD, FOR EVERY $100 INCREASE IN THE THRESHOLD: SMALL ENTITIES—Continued

Reported train accident monetary damage interval ($)	Number of train accidents 2014	Number of train accidents 2015	Number of train accidents 2016	Number of train accidents 2017	Number of train accidents 2018
11,700–11,800	0	1	0	0	2
11,800–11,900	1	2	1	1	1
11,900–12,000	1	0	2	2	3
Total	20	17	8	11	11
Average (Overall Avg.=0.9)	1.3	1.1	0.5	0.8	0.8
Standard Deviation	1.0	1.1	08	0.7	1.0

* The reporting threshold was $10,500 from 2014 to 2016, and $10,700 from 2017 to 2018.

As noted above, small railroads account for about 14 percent on average of all reported rail equipment accidents/incidents in any given year. Additionally, FRA estimates less than three percent of the small railroads subject to this proposed rule are likely to be impacted by being required to submit more accident/incident reports. These are the small railroads that reported rail equipment accidents/incidents near the reporting thresholds calculated using the current formula (*e.g.,* 18 smalls for 2014 and 8 smalls for 2016 in the example above). Given the low portion of small railroads impacted, this proposed rule is not expected to impact a substantial number of small entities.

No Significant Economic Impact

To determine the potential compliance costs for small entities, FRA conducted an analysis such as that presented in the economic analysis for all railroads. The steps in the analysis are summarized here, and the calculations and results described below. First, FRA calculated the rate of additional rail equipment accidents/incidents that small entities may have to report for every $100 change in the reporting threshold. This rate is based on rail equipment accidents/incidents reported by the small entities in the past for the period 2006 to 2018. Because FRA lacks information on accidents/incidents below the current threshold as railroads do not have to report these, FRA broadly assumes the pattern of accidents/incidents below a proposed, lower threshold will be similar to those above the threshold. To estimate the trend of the thresholds calculated using the current formula, and the thresholds calculated using the proposed formula, FRA forecast both current and proposed thresholds for the years 2019 to 2028. The forecasts allowed FRA to calculate the monetary differences between the current and proposed reporting thresholds in the future, by year. Next, FRA converted the monetary difference between the reporting thresholds to the number of additional rail equipment accident/incident reports that small railroads may have to submit to FRA under the proposed threshold. FRA estimated these additional accident/incident reports by applying the rate of accidents/incidents per $100 change in the reporting threshold. Finally, FRA multiplied the railroad's cost to submit an accident/incident report to FRA by the number of additional rail equipment accident/incident reports, to produce the compliance cost per year for the small entities.

Table 8 above is used to determine the rate of additional rail equipment accidents/incidents per a $100 change in the reporting threshold. The data for the years 2014 to 2018 are used as sample data for analysis. Those years represent a more recent part of the period of analysis (*i.e.,* 2006 to 2018) used to describe the effects of the proposed rule on the reporting threshold. For example, in 2014, there was an average of 1.3 more rail equipment accident/incidents reported for every $100 change in the reporting threshold. (Calculated as 20 rail equipment accident/incidents ÷ 16 intervals = 1.250 ≈ 1.3 rail equipment accident/incident per $100 change in the threshold, on average.) The rates for the other years between 2015 to 2018 were calculated similarly and are slightly lower, ranging between 0.5 to 1.1, or an overall average rate of about 1 more rail equipment accident/incident for every $100 change in the reporting threshold.

In the analysis for all railroads, FRA forecast the reporting thresholds and is employing that forecast in this analysis for small entities. Using the forecasts, FRA calculated the difference between the current reporting threshold and the proposed reporting threshold on an annual basis. FRA then combined the resulting differences with the rate of additional rail equipment accidents/incidents per $100 change in the reporting threshold to calculate the number of additional accident/incident reports expected. For example, for year 2020, the monetary difference between the forecast current threshold and the forecast proposed threshold was $1,522. Using the proportion below, FRA expects the small railroads to report 15 more rail equipment accidents/incidents in that year:

$$\frac{1\ accidents_incidents}{X} = \frac{\$100}{\$1522}$$

$$X = \frac{(1\ accidents_incidents * \$1522)}{100}$$

$X = 15.22\ accidents_incidents \approx 15\ accidents_incidents\ for\ year\ 2020.$

FRA calculated the expected number of additional accidents/incidents for the small railroads for the other years in the forecast period using the same method.

Finally, to monetize these estimated extra accident/incident reports, FRA used the cost incurred by a railroad to submit an accident/incident report to FRA, which was previously determined in the analysis for all railroads at $144 per report. FRA multiplied this cost by the estimated number of additional reports to arrive at annual costs. Continuing to use year 2020 as an example, the expected cost is $2,160. (Calculated as 15 accidents/incidents * $144 per accident/incident report = $2,160.) FRA calculated the costs for the other years in the forecast period similarly, resulting in the cost schedule below. For the 10-year period, the undiscounted (nominal) costs sum to $25,488. The present value of total costs discounted at a 7 percent discount rate equals $17,526, and when discounted at a 3 percent rate equals $21,541.

TABLE 9—ESTIMATED COSTS BASED ON FORECASTED NUMBER OF RAIL EQUIPMENT ACCIDENTS/INCIDENTS: SMALL ENTITIES

Calendar year	Reporting threshold (current formula calculated)	Reporting threshold (proposed formula with full-year data)	Difference between proposed full-year and current thresholds	Number of extra accidents/ incidents reported (rounded)	Estimated annual cost @ $144 per accident/ incident
2019	$12,021	$10,566	−$1,456	15	$2,160
2020	12,329	10,807	−1,522	15	2,160
2021	12,637	11,048	−1,589	16	2,304
2022	12,944	11,289	−1,655	17	2,448
2023	13,252	11,530	−1,721	17	2,448
2024	13,559	11,771	−1,788	18	2,592
2025	13,867	12,012	−1,854	19	2,736
2026	14,174	12,254	−1,921	19	2,736
2027	14,482	12,495	−1,987	20	2,880
2028	14,789	12,736	−2,053	21	3,024
Total Undiscounted Cost 2019–2028 (10 Years), Nominal					25,488
Present Value (PV) of Total Cost Discounted at 7% 2019–2028					17,526
Present Value (PV) of Total Cost Discounted at 3% 2019–2028					21,541
Total Annualized Cost Using 7% Discount Rate 2019–2028					2,495
Total Annualized Cost Using 3% Discount Rate 2019–2028					2,525

In terms of the estimated economic impact of the proposed rule on small entities, FRA expects the impact to be minimal based on the above analysis. From the analysis of rail equipment accident/incident data, FRA found 8 to 18 small railroads reported these accidents/incidents near the reporting threshold in any given year. These are the small railroads that will most likely experience an impact from the proposed rule. Given the annualized cost is approximately $2,500, the cost per railroad for this group of railroads is about $139 to $313 per year—or on average about $210 per year per railroad. (Calculated as $2,500/18 railroads = $139; and $2,500/8 railroads = $312.50; for a range of about $139 to $313.) When compared to annual revenues, the impact is very small. The industry trade organization representing small railroads, the American Short Line and Regional Railroad Association (ASLRRA), reports the average freight revenue per Class III railroad is $4.8 million.[13] Relative to the average freight revenue per railroad, FRA estimates the proposed rule will affect less than 0.1 percent of revenues. (Calculated as $210 compliance cost per year per railroad/ $4,800,000 average freight revenue per railroad = 0.00004 = 0.004 percent.) FRA therefore expects the average or typical compliance costs for a small entity to be not significant.

Small Entities

This proposed rule affects all small entities subject to FRA's accident reporting rule. However, FRA's analysis shows that the number of small entities reporting rail equipment accidents/ incidents near the threshold represent only about two percent of the small entities.

Given that the proposed changes to the reporting threshold formula will result in a potentially lower reporting threshold, FRA also estimates the potential cost to file additional accident reports to FRA. FRA estimates about 15 to 20 additional train accident reports will be filed annually, using information the railroads already are required to maintain, at an annualized cost of about $2,500 for the group of affected small entities. The average cost per small railroad is estimated at about $210 per railroad. These compliance costs represent a very small percentage, less than 0.1 percent, of a small railroad's annual freight revenues. FRA therefore expects that the economic impact of the proposed rule on small entities will be minimal. FRA invites comment from small entities or the public who believe there will be a significant economic impact on a substantial number of small entities affected by this proposed rule.

C. Paperwork Reduction Act

The burden for Accident/Incident Reporting and Recordkeeping is approved in the information collection for 49 CFR part 225 under OMB No. 2130–0500. OMB re-approval for this collection of information was granted on June 6, 2018, and the new expiration date is June 30, 2021.

D. Federalism

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999), requires FRA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the

[13] *See* American Short Line and Regional Railroad Association. (2014). *Short Line and Regional Railroad Facts and Figures.* (Pamphlet). Washington, DC: Author.

distribution of power and responsibilities among the various levels of government.'' Under E.O. 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

This NPRM has been analyzed in accordance with the principles and criteria contained in E.O. 13132. FRA has determined that, if adopted, the proposed rule would 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. In addition, FRA has determined that this proposed rule will not impose substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

However, this proposed rule could have preemptive effect by operation of law under certain provisions of the Federal railroad safety statutes, specifically the former Federal Railroad Safety Act of 1970 (FRSA), repealed and recodified at 49 U.S.C. 20106, and the former Accident Reports Act of 1910, repealed and recodified at 49 U.S.C. 20901. *See* Public Law 103–272 (July 5, 1994). The former FRSA provides that States may not adopt or continue in effect any law, regulation, or order related to railroad safety or security that covers the subject matter of a regulation prescribed or order issued by the Secretary of Transportation (with respect to railroad safety matters) or the Secretary of Homeland Security (with respect to railroad security matters), except when the State law, regulation, or order qualifies under the ''local safety or security hazard'' exception to section 20106.

In sum, FRA has analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132. As explained above, FRA has determined that this proposed rule has no federalism implications, other than the possible preemption of State laws under the former FRSA. Accordingly, FRA has determined that preparation of a federalism summary impact statement for this proposed rule is not required.

E. Environmental Impact

FRA has evaluated this proposed rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* other environmental statutes, related regulatory requirements, and its ''Procedures for Considering Environmental Impacts'' (FRA's Procedures) (64 FR 28545, May 26, 1999). FRA has determined that this proposed rule is categorically excluded from detailed environmental review pursuant to section 4(c)(20) of FRA's NEPA Procedures, ''Promulgation of railroad safety rules and policy statements that do not result in significantly increased emissions of air or water pollutants or noise or increased traffic congestion in any mode of transportation.'' *See* 64 FR 28547 (May 26, 1999). Categorical exclusions (CEs) are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* 40 CFR 1508.4.

In analyzing the applicability of a CE, the agency must also consider whether extraordinary circumstances are present that would warrant a more detailed environmental review through the preparation of an EA or EIS. *Id.* In accordance with section 4(c) and (e) of FRA's Procedures, the agency has further concluded that no extraordinary circumstances exist with respect to this regulation that might trigger the need for a more detailed environmental review. As a result, FRA finds this rule is not a major Federal action that significantly affects the quality of the human environment.

F. Unfunded Mandates Reform Act of 1995

Under Section 201 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (Mar. 22, 1995); 2 U.S.C. 1531, each Federal agency ''shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).'' Section 202 of the Act (2 U.S.C. 1532) further requires that ''before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement'' detailing the effect on State, local, and tribal governments and the private sector. This proposed rule is not expected to result in the expenditure, in the aggregate, of $100,000,000 or more, adjusted for inflation, in any one year, and thus preparation of such a statement is not required.

G. Energy Impact

Executive Order 13211 requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' *See* 66 FR 28355 (May 22, 2001). Under the Executive Order, a ''significant energy action'' is defined as ''[a]ny action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.'' FRA has evaluated this proposed rule under Executive Order 13211. FRA does not anticipate that this proposed rule is likely to have a significant adverse effect on the supply, distribution, or use of energy. Consequently, FRA has determined that this regulatory action is not a ''significant energy action'' within the meaning of Executive Order 13211.

H. Privacy Act

Under 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully

considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

I. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

In consideration of the foregoing, FRA proposes to amend part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–02, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 2. Revise 225.19(e) to read as follows:

§ 225.19 Primary groups of accidents/incidents.

* * * * *

(e) *Notice.* Each year, the Administrator publishes a notice on FRA's website announcing the reporting threshold that will take effect on January 1 of the following calendar year.

■ 3. Appendix B to part 225 is revised to read as follows:

Appendix B to Part 225—Procedure for Determining Reporting Threshold

1. Wage data used in the calculation are collected from railroads by the Surface Transportation Board (STB) on Form A—STB Wage Statistics. Rail equipment data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS), LABSTAT Series reports are used in the calculation. The equation used to adjust the reporting threshold has two components: (a) The average hourly earnings of certain railroad maintenance employees as reported to the STB by the Class I railroads and Amtrak; and (b) an overall rail equipment cost index determined by the BLS. The wage component is weighted by 40% and the equipment component by 60%.

2. For the wage component, the average of the data from Form A—STB Wage Statistics for Group No. 300 (Maintenance of Way and Structures) and Group No. 400 (Maintenance of Equipment and Stores) employees is used.

3. For the equipment component, LABSTAT Series Report, Producer Price Index (PPI) Series WPU 144 for Railroad Equipment is used.

4. In the month of October, second-quarter and first-quarter wage data for the current year, and fourth-quarter and third-quarter wage data for the previous year are obtained from the STB. For equipment costs, the corresponding BLS railroad equipment indices for the same time period as the STB wage data are obtained.

5. The wage data are reported in terms of dollars earned per hour, while the equipment cost data are indexed to a base year of 1982.

6. The procedure for adjusting the reporting threshold is shown in the formula below. The wage and equipment components appear as fractional changes relative to the prior year. After performing the calculation, the result is rounded to the nearest $100.

7. The weightings result from using STB wage data and BLS equipment cost data to produce a reasonable estimation of the reporting threshold that was calculated using the threshold formula in effect immediately before calendar year 2006, a formula that assumed damage repair costs, at levels at or near the threshold, were split approximately evenly between labor and materials.

8. Formula:

$$\text{New Threshold} = \text{Prior Threshold} \times [1 + 0.4(\text{Wnew} - \text{Wprior})/\text{Wprior} + 0.6(\text{Enew} - \text{Eprior})/\text{Eprior}]$$

Where:

Wnew = New average hourly wage rate ($).
Wprior = Prior average hourly wage rate ($).
Enew = New equipment average PPI value.
Eprior = Prior equipment average PPI value.

Issued in Washington, DC.

Ronald L. Batory,

Administrator.

[FR Doc. 2019–09980 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 190415375–9375–01]

RIN 0648–BI92

Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder Fishery; Fishing Year 2019

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes management measures for the 2019 summer flounder recreational fishery. The implementing regulations for this fishery require NMFS to publish recreational measures for the fishing year and to provide an opportunity for public comment. The intent of this action is to constrain recreational catch to the summer flounder recreational harvest limit and thereby, prevent overfishing on the summer flounder stock.

DATES: Comments must be received by June 3, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2019–0025, by either of the following methods:

Electronic submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

- Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0025,*
- Click the ''Comment Now!'' icon, complete the required fields
- Enter or attach your comments.

–OR–

Mail: Submit written comments to Michael Pentony, Regional Administrator, Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, (978) 281–9244.

SUPPLEMENTARY INFORMATION:

Summary of Proposed Management Measures

In this rule, NMFS proposes management measures for the 2019 summer flounder recreational fishery consistent with the recommendations of the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). NMFS proposes to waive Federal summer flounder recreational measures in Federal waters of the exclusive economic zone (EEZ) and to all federally permitted summer flounder party/charter vessels, regardless of where they fish, so long as the states, through the Commission, collectively implement measures designed to constrain landings to the 2019 recreational harvest limit.

Background and Management Process

The summer flounder fishery is managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Council and the Commission, in consultation with the New England and South Atlantic Fishery Management Councils. The management unit specified in the FMP includes summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the U.S./Canada border. States manage summer flounder within 3 nautical miles (4.83 km) of their coasts, under the Commission's plan for summer flounder. The summer flounder Federal regulations govern vessels and individual fishermen fishing in Federal waters of the EEZ, as well as vessels possessing a summer flounder charter/party vessel permit, regardless of where they fish.

Recreational Management Measures Process

The FMP established a monitoring committee for summer flounder consisting of representatives from the Commission, the Council, state marine fishery agency representatives from Massachusetts to North Carolina, and NMFS. The FMP's implementing regulations require the monitoring committee to review scientific and other relevant information annually. The objective of this review is to recommend management measures to the Council that will constrain landings within the recreational harvest limit for the upcoming fishing year. The FMP limits the choices for the types of measures to minimum fish size, per angler possession limit, and fishing season.

The Council and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board then consider the monitoring committee's recommendations and any public comment in making their recommendations. The Council forwards its recommendations to NMFS for review. The Commission similarly adopts recommendations for the states. NMFS is required to review the Council's recommendations to ensure that they are consistent with the target specified for summer flounder in the FMP and all applicable laws and Executive Orders before ultimately implementing measures for Federal waters. Commission measures are final at the time they are adopted.

Summer Flounder Conservation Equivalency Process

Conservation equivalency, as established by Framework Adjustment 2 (July 11, 2001; 66 FR 36208), allows each state to establish its own recreational management measures (possession limits, minimum fish size, and fishing seasons) to achieve its state management target partitioned by the Commission from the coastwide recreational harvest limit, as long as the combined effect of all of the states' management measures achieves the same level of conservation as would Federal coastwide measures. Framework Adjustment 6 (July 26, 2006; 71 FR 42315) allowed states to form regions for conservation equivalency in order to minimize differences in regulations for anglers fishing in adjacent waters.

The Council and Board annually recommend that either state- or region-specific recreational measures be developed (conservation equivalency) or that coastwide management measures be implemented to ensure that the recreational harvest limit will not be exceeded. Even when the Council and Board recommend conservation equivalency, the Council must specify a set of coastwide default measures that would apply if conservation equivalency is not approved for use in Federal waters.

When conservation equivalency is recommended, and following confirmation that the proposed state or regional measures developed through the Commission's technical and policy review processes achieve conservation equivalency, NMFS may waive the permit condition found at 50 CFR 648.4(b), which requires Federal permit holders to comply with the more restrictive management measures when state and Federal measures differ. In such a situation, federally permitted summer flounder charter/party permit holders and individuals fishing for summer flounder in the EEZ are subject to the recreational fishing measures implemented by the state in which they land summer flounder, rather than the coastwide measures.

In addition, the Council and the Board must recommend precautionary default measures when recommending conservation equivalency. The Commission would require adoption of the precautionary default measures by any state that either does not submit a summer flounder management proposal to the Commission's Summer Flounder Technical Committee, or that submits measures that would exceed the Commission-specified harvest limit for that state.

The development of conservation equivalency measures happens at both the Commission and the individual state level. The selection of appropriate data and analytical techniques for technical review of potential state conservation equivalent measures and the process by which the Commission evaluates and recommends proposed conservation equivalent measures are wholly a function of the Commission and its individual member states. Individuals seeking information regarding the process to develop specific state measures or the Commission process for technical evaluation of proposed measures should contact the marine fisheries agency in the state of interest, the Commission, or both.

Once the states and regions select their final 2019 summer flounder management measures through their respective development, analytical, and review processes and submit them to the Commission, the Commission will conduct further review and evaluation of the submitted proposals, ultimately notifying NMFS as to which proposals have been approved or disapproved. NMFS has no overarching authority in the development of state or Commission management measures, but is an equal participant along with all the member states in the review process. NMFS neither approves nor implements individual states' measures, but retains the final authority either to approve or to disapprove the use of conservation equivalency in place of the coastwide measures in Federal waters. NMFS will publish its final determination on 2019 conservational equivalency as a final rule in the **Federal Register** following review of the Commission's determination and any other public comment on this proposed rule.

2019 Summer Flounder Recreational Management Measures

At their joint meeting in March 2019, the Council and Board recommended revised summer flounder specifications for 2019. These revisions resulted from the 2018 summer flounder benchmark assessment, which was one of the first assessments in the region to incorporate revised Marine Recreational Information Program (MRIP) information. The summer flounder assessment concluded that the stock is not overfished and overfishing is not occurring relative to updated biological reference points. Although recruitment has been below average since 2011 for unknown reasons, the inclusion of new estimates of recreational catch from MRIP increased the biomass of the population compared to previous assessments.

Based on the results of the assessment, the recommended revised 2019 summer flounder recreational harvest limit is 7.69 million lb (3,488 mt), a 74-percent increase from the 2018 harvest limit of 4.42 million pounds (2,005 mt), and a 49-percent increase compared to what is currently in place for 2019 (5.15 million pounds; 2,336 mt). A separate rulemaking revising the 2019 specifications, including the recreational harvest limit, is being prepared and must be finalized before NMFS can publish a final rule for this action.

As previously mentioned, the Council and Board recommended conservation equivalency in Federal waters. Based on the Council's and the Board's recommendations, and as part of the conservation equivalency process, NMFS also proposes a suite of non-preferred coastwide measures, consistent with those adopted by the Council and Board for implementation in 2019. Under conservation equivalency, the cumulative impact of the regional recreational measures should achieve the same constraints on harvest as the non-preferred coastwide measures. For 2019, non-preferred coastwide measures approved by the Council and Board are a 19-inch (48.3-cm) minimum fish size, a 4-fish per person possession limit, and an open season from May 15–September 15. These measures are identical to the non-preferred 2018 coastwide measures. These measures are expected to constrain the overall recreational landings to the 2019 recreational harvest limit, should conservation equivalency be disapproved based on the Commission's recommendation letter. If a jurisdiction's measures do not achieve the level of conservation required by the Commission, that state or region must implement the precautionary default measures. The 2019 precautionary default measures recommended by the Council and Board are identical to those in place for 2018: A 20.0-inch (50.8-cm) minimum fish size; a 2-fish per person possession limit; and an open season of July 1–August 31, 2018.

Although the Council and Board's recommended 2019 recreational harvest limit is an increase compared to what was in place in 2018, preliminary harvest estimates using the updated MRIP methodology indicate that the 2018 recreational landings are 7.17 million pounds (3,252 mt). As a result, the Council and Board do not recommend liberalizing any recreational measures (*e.g.,* state waters measures, the non-preferred coastwide and precautionary default measures required through conservation equivalency) due to the increase in expected 2019 catch based on the revised MRIP information (*i.e.,* if measures remain in place, they are expected to constrain catch to the 2019 harvest limit).

Similar to 2016–2018, the 2019 management program adopted by the Commission divides the coastline into six management regions: (1) Massachusetts; (2) Rhode Island; (3) Connecticut-New York; (4) New Jersey; (5) Delaware-Virginia; and (6) North Carolina. Each state within a region must implement identical or equivalent measures (minimum size, bag limit, and fishing season length), and the combination of those measures must be sufficient to constrain landings to the recreational harvest limit.

Through the Commission process, states may submit proposals for conservationally equivalent measures that would maintain status quo harvest levels relative to the preliminary 2018 recreational harvest. Proposals for conservationally equivalent state measures were reviewed by the Board's Technical Committee in late March, and the Board considered final approval in early April 2019. Following the Board's consideration of final 2019 state measures, the Commission must submit a letter to NMFS stating whether the states have met the conservation objectives under Addendum XXXII to the Commission's Interstate FMP and that catch is expected to constrain catch to the 2019 recreational harvest limit. Once that letter is received and the revised 2019 specifications are approved, NMFS will be able to publish a final recreational management measures rule with a conservation equivalency determination for 2019.

Additionally, this proposed rule includes a revision to the regulations implementing the FMP to update text that is unnecessary, outdated, unclear, or otherwise could be improved. NMFS proposes these changes consistent with section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to a fishery management plan (FMP) are carried out in accordance with the FMP and the Magnuson-Stevens Act. The revision at § 648.14(p)(2)(ii)(B), which pertains to a prohibition against possessing, retaining, or landing black sea bass harvested from the EEZ in excess of the commercial possession limit, would be removed from the regulations. There is no Federal waters commercial black sea bass possession limit and, as such, this regulatory text is confusing and unnecessary.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Council conducted an evaluation of the potential socioeconomic impacts of the proposed measures. According to the commercial ownership database, 351 for-hire affiliate firms generated revenues from recreational fishing for various species during the 2015–2017 period. All of those business affiliates are categorized as small businesses. Estimating what proportion of the overall revenues for these for-hire firms came from fishing activities for an individual species is not possible. Nevertheless, given the popularity of summer flounder as a recreational species in the Mid-Atlantic and New England, generated revenues are likely very important for many of these firms at certain times of the year. The 3-year average (2015–2017) combined gross receipts (all for-hire fishing activity combined) for these small entities was $52,460,560 ranging from less than $10,000 for 79 entities (lowest value $81) to over $1,000,000 for 9 entities (highest value $2.8 million).

This action would waive Federal measures in lieu of state measures designed to reach the 2019 harvest limit. The economic impacts of the proposed measures in this action will be affected in part by the specific set of measures implemented at the state level for summer flounder conservation equivalency. The impacts are likely to vary by state, but are expected to be equivalent to measures that were in place in 2018. The summer flounder recreational measures under conservation equivalency are expected to neither reduce nor increase recreational satisfaction or for-hire revenues when compared to 2018. Demand for for-hire trips is expected to remain approximately the same as in 2018. Thus, market demand is expected to be similar in 2019, although this is likely to vary by state depending on

each state's current measures and how they choose to modify them in 2019.

Because the 2019 measures are expected to be mostly identical to 2018, this rule will not have a significant economic impact on a substantial number of small entities. Therefore, an initial regulatory flexibility analysis is not required and none has been prepared.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 13, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

§ 648.14 [Amended]

■ 2. In § 648.14, remove and reserve paragraph (p)(2)(ii)(B).

■ 3. In § 648.107, the introductory text to paragraph (a) is revised to read as follows:

§ 648.107 Conservation equivalent measures for the summer flounder fishery.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by the states of Maine through North Carolina for 2019 are the conservation equivalent of the minimum size, season, and possession limit prescribed in §§ 648.104(b), 648.105, and 648.106. This determination is based on a recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission.

* * * * *

[FR Doc. 2019–10249 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 96
Friday, May 17, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 14, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 17, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Natural Resources and Conservation Service

Title: Volunteer Program—Earth Team.

OMB Control Number: 0578–0024.

Summary of Collection: Volunteers have been a valuable human resource to the Natural Resources Conservation Service (NRCS) since 1985. NRCS is authorize by the Federal Personnel Manual (FPM) Supplement 296–33, Subchapter 33, to recruit, train and accept, with regard to Civil Service classification law, rules, or regulations, the service of individuals to serve without compensation. Volunteers may assist in any agency program/project and may perform any activities which agency employees are allowed to do. Volunteers must be 14 years of age. NRCS will collect information using NRCS forms NRCS–Per–002 and NRCS–PER–004.

Need and Use of the Information: NRCS will collect information on the type of skills and type of work the volunteers are interested in doing. The collected information will be used by supervisors of volunteers and the International Program Division to evaluate potential international volunteers and evaluate the effectiveness of the volunteer program. Without the information, NRCS would not know which individuals are interested in volunteering.

Description of Respondents: Individuals or households; Business or other for-profit; State, Local, or Tribal Government.

Number of Respondents: 8,220.

Frequency of Responses: Reporting: Semi-annually.

Total Burden Hours: 1,011.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–10286 Filed 5–16–19; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 14, 2019.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by June 17, 2019. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Hawaii Crop or Livestock Loss Survey.

OMB Control Number: 0535–0264.

Summary of Collection: The primary objectives of the National Agricultural Statistics Service (NASS) are to prepare and issue official State and national estimates of crop and livestock production, disposition and prices, economic statistics, and environmental statistics related to agriculture and to conduct the Census of Agriculture and its follow-on surveys. NASS will conduct a survey of agricultural operations in Hawaii. Each selected farmer or rancher will be asked to provide data on (1) the area (acres or square feet) affected by natural disasters or weather conditions in 2018, (2) the area (acres or square feet) affected by natural disasters or weather conditions in 2018 that was replanted, and (3) the number of head of livestock affected by natural disasters or weather conditions in 2018. General authority for these data collection activities is granted under U.S.C. Title 7, Section 2204.

Need and Use of the Information: The year 2018 saw multiple disaster events in Hawaii. Disasters ranged from volcano eruption over the east side of the Big Island to several flooding rains across the Big Island, Maui, Oahu, and Kauai. The Hawaii Department of Agriculture (HDOA) has entered into a cooperative agreement with NASS to conduct a Crop or Livestock Loss Survey. The purpose of this survey is to ascertain the extent of damage from natural occurrences on an acreage/livestock basis during crop year 2018.

Description of Respondents: Farmers.

Number of Respondents: 1,000.

Frequency of Responses: Reporting: Once a year.

Total Burden Hours: 213.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–10248 Filed 5–16–19; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Request for Information: The Serious Deficiency Process in the Child and Adult Care Food Program

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: This is a request for information to gather detailed comments from stakeholders about the serious deficiency process in the Child and Adult Care Food Program (CACFP). The serious deficiency process provides a systematic way to correct serious management problems and, when that effort fails, protect the program through due process.

DATES: Written comments must be received on or before August 15, 2019.

ADDRESSES: USDA invites the submission of the requested information through one of the following methods:

- *Federal eRulemaking Portal (preferred method):* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Send written comments to Autumn McCain, Program Monitoring Branch, Program Monitoring and Operational Support Division, Child Nutrition Programs, USDA Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302.

All comments submitted in response to this request for information will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. USDA will make the comments publicly available via *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Autumn McCain, Program Monitoring Branch, Program Monitoring and Operational Support Division, Child Nutrition Programs, USDA Food and Nutrition Service, 703–605–3223.

SUPPLEMENTARY INFORMATION: Integrity is essential to achieving the mission of all FNS nutrition assistance programs. FNS works in close collaboration with State and local partners to facilitate the promotion, practice, and improvement of integrity-focused efforts while ensuring the delivery of excellent customer service. To that end, State agencies are responsible for monitoring CACFP institutions—independent child and adult care centers and sponsoring organizations of family day care homes and centers—to ensure compliance with program requirements.

Serious deficiencies, as provided for in Sec. 17 of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1766), and the serious deficiency process, as codified in 7 CFR part 226, offer a means to address severe and pervasive issues of program non-compliance, with a structured set of steps that provide all institutions and day care home providers the opportunity for corrective action and due process. The intent of the serious deficiency process is to correct non-compliance issues in a timely fashion. As such, the process incorporates critical deadlines for the completion of corrective actions, and milestones for monitoring progress towards meeting those deadlines.

The serious deficiency process starts when the State agency or sponsoring organization identifies one or more serious non-compliance issues and concludes when all such issues are resolved, through either corrective action or termination and disqualification of the institution or day care home. The process includes required procedures that are designed to help the State agency and sponsoring organization document actions taken to correct serious deficiencies or to terminate and remove from CACFP those non-performing institutions or day care homes that are unwilling to, or incapable of, resolving their serious deficiencies.

On March 29, 2016, FNS published a proposed rule, *Child Nutrition Program Integrity,* 81 FR 17563, available at *https://www.federalregister.gov/documents/2016/03/29/2016-06801/child-nutrition-program-integrity,* concerning several provisions of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111–296, affecting integrity in CACFP and in the National School Lunch Program, Special Milk Program for Children, School Breakfast Program, Summer Food Service Program (SFSP), and State Administrative Expense Funds. Among other things, the rule proposed serious deficiency and termination procedures in SFSP, serious deficiency and termination procedures for unaffiliated sponsored centers in CACFP, and procedures to prohibit the participation of entities or individuals terminated from any of the Child Nutrition Programs.

Comments on the proposed rule suggested that prior to making the operations of any other Child Nutrition Program subject to the serious deficiency process, FNS should further investigate and attempt to address potential inconsistencies in the implementation of that process across States. Consequently, this notice requests information to help FNS understand firsthand the experiences stakeholders have had with the serious deficiency process in CACFP. We are asking for public comments to gather feedback about the successes, challenges, potential benefits, and negative impacts associated with the application of the serious deficiency process. Your responses to this request for information will assist FNS in its efforts to ensure consistent and effective application of the serious deficiency

process, in line with current statutory and regulatory requirements. FNS is committed to the rulemaking process and reciprocity between its programs.

This request for information reflects the commitment of FNS to work with all of our stakeholders, including State administrators, sponsoring organizations, center operators, food service professionals, and other advocates, to ensure that program requirements are practicable and effectively disseminated.

Please respond to any/all of the questions listed below. In your response, we request that you include the following information, to the extent applicable: your name, title, the name of your organization, and your role in the serious deficiency process.

1. Are determinations of serious deficiency and resulting corrective actions:

a. Reasonable and commensurate with the severity of the non-compliance issues they are intended to address?

b. Effective in achieving positive outcomes, including timely and permanent correction of non-compliance issues?

2. Is the serious deficiency process consistently implemented? Explain.

a. Among States?

b. Within your State?

c. By sponsoring organizations within your State?

3. Describe your decision-making process as it relates to determinations of serious deficiency.

a. How do you decide that a given non-compliance issue or combination of non-compliance issues rise to the level of a serious deficiency?

b. What factors weigh most heavily?

c. Who is involved in the decision-making process?

4. What could be done to bring further clarity and consistency to the administrative review (appeal) process?

5. What would improve your understanding of the serious deficiency process and your ability to apply the process effectively?

a. Which definitions or operational provisions related to the serious deficiency process in 7 CFR 226 need additional clarification?

b. What areas of training would be most beneficial?

c. What types of technical assistance resources would be most useful?

FNS appreciates your thoughtful and responsive replies to these questions. Your feedback is essential to helping FNS to ensure that our nutrition programs are administered as effectively and efficiently as possible. Together, we can strive to improve operations and outcomes to best serve our participants and all American taxpayers.

Dated: May 13, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2019–10308 Filed 5–16–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Okanogan-Wenatchee National Forest; Washington; Forest Plan Amendment for Planning and Management of Domestic Sheep and Goat Grazing Within the Range of Bighorn Sheep

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The United States Department of Agriculture (USDA) Forest Service, Okanogan-Wenatchee National Forest (OWNF), proposes to amend the Land and Resource Management Plans (Forest Plans) for the OWNF to provide forest plan direction for managing domestic sheep and goat grazing within the range of bighorn sheep (*Ovis canadensis*) to better provide for forest-wide bighorn sheep viability in the context of range management. This notice advises the public that the OWNF is gathering information necessary to prepare an Environmental Impact Statement (EIS) to evaluate the effects of changing or adding plan components.

DATES: Comments concerning the scope of the analysis must be received by July 1, 2019. The Draft EIS is expected in January 2020 and the Final EIS is expected July 2020.

ADDRESSES: Send written comments to: Okanogan-Wenatchee National Forest, Domestic Sheep Grazing EIS, 215 Melody Lane, Wenatchee, Washington 98801. Comments may also be sent via facsimile to 509–664–9280 or submitted in person during regular business hours between 8:00 a.m. and 4:30 p.m., Pacific Time, Monday through Friday, at the address listed above. Comments may also be submitted online at: *https://www.fs.usda.gov/project/?project=53257*.

FOR FURTHER INFORMATION CONTACT: Darren Goodding, Forest Environmental Coordinator, Okanogan-Wenatchee National Forest via email at *darrenbgoodding@fs.fed.us* or via phone at (509) 664–9232, between 8:00 a.m. and 4:00 p.m., Pacific Time, Monday through Friday.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Bighorn sheep are designated by the USDA Forest Service Region 6 as a sensitive species. The sensitive species designation indicates there is concern for the long-term viability and/or conservation status of bighorn sheep on National Forest System (NFS) lands in the region (Forest Service Manual 2670.5). Forest Service Manual (FSM) sections 2670.32 and 2672.1 provide Agency direction to avoid or minimize impacts to designated sensitive species.

Although native to the Cascade foothills, bighorn sheep currently occupy only a fraction of their historic range. Bighorn sheep were extirpated in the state of Washington by 1935. Subsequent reintroduction of bighorn sheep has resulted in multiple herds within the state, including several that occur within the OWNF and which overlap with current domestic sheep and goat grazing allotments.

Scientific research supports a relationship between disease in bighorn sheep and contact with domestic sheep or goats when these species are in close proximity (Lawrence et al. 2010; Besser et al. 2014). Although there is limited knowledge of transmission dynamics (Garde et al. 2005), there is a long documented history across Canada and the United States of large-scale, rapid, all-age die-offs resulting in partial to complete removal of bighorn sheep herds, many of which are attributed to domestic animal contact (Shackleton 1999; Monello et al. 2001; Schommer and Woolever 2001; Rudolph et al. 2003).

Report language in the 2016 Consolidated Appropriations Act provided the following direction: ''Bighorn Sheep Conservation—In order to ensure the Nation does not lose its domestic sheep industry or Bighorn sheep conservation legacy, the Forest Service and the Bureau of Land Management (BLM) shall implement a variety of solutions, including the following directives: The agencies are directed to complete risk of contact analyses using appropriate data sources, such as from the Western Association of Fish and Wildlife Agencies, and to share the findings with the public; the Forest Service is expected to engage the Agricultural Research Service (ARS) to ensure the best scientific understanding of where disease transmission occurs and the degree of that risk and to assist the Forest Service with identifying all allotments that are suitable for sheep grazing; the Forest Service and Bureau

of Land Management are also directed to identify and implement actions to resolve issues on allotments with a high risk of disease transmission, including, if agreeable to the directly affected stakeholders, the relocation of domestic sheep to allotments with a low risk, pending any site-specific environmental analysis. The 2012 planning regulations adopt a complementary ecosystem and species-specific approach to maintaining the diversity of plant and animal communities and the persistence of native species in the plan area.'' The 2019 Department of Interior appropriations bill reaffirmed this 2016 direction, stating, ''Bighorn Sheep.—The Committees direct the Forest Service to continue the quantitative, science-based analyses of the risk of disease transmission between domestic and bighorn sheep required in the fiscal year 2016 explanatory statement.''

Analysis conducted using the *Bighorn Sheep Risk of Contact Tool (v2),* developed by O'Brien et al. (2014) and the Forest Service/BLM Bighorn Sheep Working Group (2015), has shown that there is a potential for bighorn sheep to enter grazing allotments where domestic sheep and goat grazing currently exists or could occur under current management frameworks. Disease-related mortality has been identified as a factor that may adversely impact the population viability of bighorn sheep on the OWNF. Providing spatial and/or temporal separation of domestic sheep and goats from bighorn sheep is a management option used to reduce the risk of contact to an acceptable level. It is within the ability of the OWNF to establish new Forest Plan direction that would guide management to minimize the risk of contact among bighorn sheep and domestic sheep and goat grazing allotments.

Proposed Action

The OWNF proposes to amend the Forest Plan for the Okanogan National Forest and the Forest Plan for the Wenatchee National Forest to provide species-specific Forest Plan direction for managing domestic sheep and goat grazing within the range of bighorn sheep (*Ovis canadensis*) to better provide for Forest-wide bighorn sheep viability in the context of range management. While the OWNF is managed as one administrative unit, Forest Plans were completed separately for the Wenatchee National Forest and the Okanogan National Forest prior to the units being administratively combined, and these original plans were written prior to the Regional Forester identifying bighorn sheep as a sensitive species. The proposed plan amendment would apply to each of the plans as a forest-wide amendment and would add plan components to the Forest Plans as needed to support management of domestic sheep and goat grazing while mitigating high risk of contact with bighorn sheep (*Ovis canadensis*). High risk is currently defined by the *Bighorn Sheep Risk of Contact Tool (v.2)* but plan direction would allow for updated versions of this model. This analysis would consider other potential factors for making a determination of high risk at both the Forest wide and local levels. Factors may include local topography, spatial or temporal separation, or other herd characteristics or range management actions.

Current mitigation measures that are being used to reduce risk of contact between domestic sheep and bighorn sheep include: Requiring experienced sheepherders on allotments located near bighorn sheep habitat; conducting full counts of domestic sheep when trailing and regularly during general grazing; trucking in water if needed to reduce straying; and reporting of stray or missing domestic sheep and any wild sheep and domestic sheep interactions.

When proposing a Forest Plan amendment, the 2012 Planning Rule (36 CFR 219), as amended, requires the responsible official to provide in the initial notice ''which substantive requirements of §§ 219. 8 through 219.11 are likely to be directly related to the amendment (§ 219.13(b)(5)) . . .'' Whether a rule provision is likely to be directly related to an amendment is determined by the purpose for and the effects of the amendment, and informed by the best available scientific information, scoping, effects analysis, monitoring data or other rationale. Based on the proposed amendment and requirement of the planning rule, the following substantive requirements of the 36 CFR 219 planning regulations would likely be directly related to the proposed amendment: 219.8(a)(1)(ii) Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area; 219.8(b)(1) Social, cultural, and economic conditions relevant to the area influenced by the plan; 219.9(a)(2)(i) Key characteristics associated with terrestrial and aquatic ecosystem types; and 219.10(a)(7) Reasonably foreseeable risks to ecological, social, and economic sustainability.

Existing allotment management plans and the associated environmental analyses would be revised subsequent to the proposed Forest Plan amendments being adopted in order to evaluate site-specific conditions relative to risk of contact and ability to mitigate risk.

Possible Alternatives

A no-action alternative, which represents no change and serves as the baseline for the comparison among the action alternatives, will be analyzed in addition to the proposed action. Comments we receive in response to this Notice of Intent may identify additional alternatives.

Lead and Cooperating Agencies

The USDA Forest Service, OWNF is the lead agency for the proposed action and compliance with the National Environmental Policy Act (NEPA). The OWNF has identified two agencies with special expertise with respect to the proposed action that would serve as cooperating agencies.

The USDA ARS has special expertise in animal diseases that would inform the Forest's management decisions. The ARS would help provide the best available scientific information on the transmission of pathogens between domestic sheep and/or goats and bighorn sheep, the risk that transmission would result in disease in bighorn sheep and their herds, and potential strategies to address transmission.

The Washington Department of Fish and Wildlife (WDFW) has special expertise in the management of wildlife, including bighorn sheep within the State of Washington. The WDFW is asked to provide information regarding the current status of the bighorn sheep populations that may be affected by the proposed action and has been invited to participate in development of this environmental analysis by providing information and expertise in regard to the State's wildlife management program as a cooperating agency.

Responsible Official

Okanogan-Wenatchee National Forest Supervisor.

Nature of Decision To Be Made

The Responsible Official will decide whether to approve the proposed amendment of the OWNF Forest Plans to establish new plan components for domestic sheep and goat grazing on NFS lands within the range of the bighorn sheep.

Scoping Process

This Notice of Intent initiates the scoping process, which guides the development of the EIS. The OWNF will invite the public to participate in a series of informational, virtual open houses. These meetings will be posted on the Forest's website at *https://www.fs.usda.gov/main/okawen/*

landmanagement/planning and will be advertised in local newspaper of record.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and/or contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with eligiblity to participate in subsequent administrative review or judicial review. The proposed project is an activity that includes a programmatic plan amendment and is subject to 36 CFR 219 subparts A and B. The publication date of the NOI in the **Federal Register** is the exclusive means for calculating the scoping period. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. If the scoping period ends on a Saturday, Sunday, or Federal holiday, scoping comments will be accepted until the end of the next Federal working day.

Only individuals or entities (as defined by 36 CFR 219.53) who submit substantive formal comments (as defined by 36 CFR 219.62) about this plan amendment will be eligible to file an objection. Other requirements to be eligible to submit an objection are defined by 36 CFR 219.54(c) and include name, postal address, name of the plan amendment, signature or other verification of identity upon request, and the identity of the individual or entity who authored the comments. Individual members of an entity must submit their own individual comments in order to have eligibility to object as an individual. A timely submission will be determined as outlined in 36 CFR 219.16(a)(2). It is the responsibility of the sender to ensure timely receipt of any comments submitted. Names and contact information submitted with comments will become part of the public record and may be released under the Freedom of Information Act.

Substantive formal comments are those that are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider (36 CFR 219.62).

Dated: March 28, 2019.

Allen Rowley,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2019–10266 Filed 5–16–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Issue Forest Order Closing the Mark Twain National Forest, Missouri to Feral Swine Hunting

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service is giving notice of its intent to close the Mark Twain National Forest to the hunting of feral swine in advance of the public comment period for the proposed closure. At the end of the notice of intent period, the Forest Service will solicit public comments, as specified in this notice, on the proposed forest order that would prohibit hunting of feral swine by the public on the Mark Twain National Forest in support of interagency efforts to eliminate feral swine across all land ownership in the State of Missouri.

DATES: Notice of intent of the closure is being provided until May 24, 2019. Beginning on May 24, 2019, the U.S. Department of Agriculture, Forest Service, will solicit comments on the proposed forest order for 60 days. The solicitation for public comment will be posted on *http://www.fs.usda.gov/goto/mtnf/feralswine.* The Mark Twain National Forest also will hold a public listening session on June 18, 2019, to gather public feedback on the proposed forest order.

ADDRESSES: The proposed forest order and the justification for the forest order are available on the Forest Service websites *http://www.fs.usda.gov/goto/mtnf/feralswine.*

FOR FURTHER INFORMATION CONTACT: Amy Salveter, Public Services Staff Officer, at 573–341–7466 or *Amy.Salveter@usda.gov.*

Individuals who use TDD may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

I. Advance Notice and Public Comment Procedures

Section 4103 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Pub. L. 116–9) requires that the Secretary of Agriculture, acting through the Chief of the Forest Service, provide public notice and comment before permanently or temporarily closing any National Forest System land to hunting, fishing, or recreational shooting. Section 4103 applies to the proposed forest order closing the Mark Twain National Forest to hunting of feral swine by the public. The public notice and comment process in section 4103(b)(2) requires the Secretary to publish a notice of intent, in the **Federal Register**, of the proposed closure in advance of the public comment period for the closure. This notice meets the requirement to publish a notice of intent in the **Federal Register** in advance of the public comment period.

Following the notice of intent, section 4103(b)(2) requires an opportunity for public comment. Because the proposed forest order would permanently close the Mark Twain National Forest to hunting of feral swine, the comment period must be not less than 60 days. Beginning on May 24, 2019, the Forest Service will solicit comments on the proposed forest order for 60 days. The solicitation for public comment will be posted on *http://www.fs.usda.gov/goto/mtnf/feralswine.*

Section 4103(b)(2) requires the Secretary to respond to the comments received on the proposed forest order, explain how the Secretary resolved any significant issues raised by the comments, and show how the resolution led to the closure. The Forest Service will respond to comments on the proposed forest order closing the Mark Twain National Forest to hunting of feral swine by revising its justification for the forest order, as needed, and posting the revised justification on *http://www.fs.usda.gov/goto/mtnf/feralswine.*

II. Background and Need for Forest Order

Feral swine are a harmful and destructive invasive species that are well established in 47 Missouri counties, the majority of which fall within the Mark Twain National Forest. The Mark Twain National Forest has approximately 1.4 million acres that are threatened by feral swine. Feral swine are highly adaptable animals and prolific breeders. They are social animals that travel together in large groups called sounders and have a home range of about 1,000 acres.

The hunting of feral swine on the Mark Twain National Forest interferes with collaborative interagency efforts to eliminate feral swine in Missouri. Government trappers employed in these efforts identify home ranges and find

the best spot in that range to catch the entire sounder all at the same time. Shooting at one or two swine or pursuing them with dogs will cause the sounder (the entire group) to scatter, which makes trapping the sounder all at the same time more difficult.

The Mark Twain National Forest Supervisor is proposing to issue a forest order prohibiting the hunting of feral swine on the Forest. Issuance of the forest order would respond to a request from the Missouri Department of Conservation (MDC) to make policies consistent across all lands in Missouri to halt the spread and resulting environmental damage caused by feral swine. The State of Missouri feral swine eradication program bans all taking, pursuing or releasing of feral swine on lands owned, leased, or managed by the state. The proposed closure order would align the management of National Forest System lands with the eradication efforts of MDC and other federal agencies, including USDA Animal and Plant Health Inspection Service. The proposed forest order and the justification for the forest order are available on the Forest Service websites *http://www.fs.usda.gov/goto/mtnf/feralswine.*

Dated: May 13, 2019.

Frank R. Beum,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2019–10311 Filed 5–16–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–87–2019]

Application for Subzone: Foreign-Trade Zone 167—Brown County, Wisconsin, ProAmpac Holdings, Inc., Neenah and Appleton, Wisconsin

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by Brown County, Wisconsin, grantee of FTZ 167, requesting subzone status for the facilities of ProAmpac Holdings, Inc., located in Neenah and Appleton, Wisconsin. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on May 13, 2019.

The proposed subzone would consist of the following sites: *Site 1* (17.18 acres) 1055 Winchester Ave., Neenah, Winnebago County; and *Site 2* (6.68 acres) 3621 E Newberry St., Appleton, Outagamie County. A notification of proposed production activity has been submitted and is being processed under 15 CFR 400.37 (Doc. B–26–2019). The proposed subzone would be subject to the existing activation limit of FTZ 167.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is June 26, 2019. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 11, 2019.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: May 13, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–10280 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–78–2018]

Foreign-Trade Zone (FTZ) 99—Wilmington, Delaware, Authorization of Production Activity, Bloom Energy Corporation (Commercial Fuel Cells and Related Subassemblies), Newark, Delaware

On December 4, 2018, the Delaware Department of State, grantee of FTZ 99, submitted a notification of proposed production activity to the FTZ Board on behalf of Bloom Energy Corporation, within Subzone 99I, in Newark, Delaware.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 65142, December 19, 2018). On May 13, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14, and further subject to a restriction requiring that textile paper filters be admitted to the subzone in privileged foreign status (19 CFR 146.41).

Dated: May 13, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–10279 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–471–807]

Certain Uncoated Paper From Portugal: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain uncoated paper (uncoated paper) from Portugal is being, or is likely to be sold, at less than normal value during the period of review (POR), March 1, 2017, through February 28, 2018.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Carrie Bethea, 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) 482–1491.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on uncoated paper from Portugal in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). The review covers one producer/exporter of the subject merchandise, The Navigator Company, S.A. (Navigator). Interested parties are invited to comment on these preliminary results.[1]

[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results is now May 8, 2019. *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties

Continued

Scope of the Order

The product covered by this review is uncoated paper from Portugal. For a full description of the scope, see the Preliminary Decision Memorandum dated concurrently with and hereby adopted by this notice.[2]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is 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 Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that, for the period of March 1, 2017, through February 28, 2018, the following weighted-average dumping margin exists:

Exporter/producer	Weighted-average dumping margin (percent)
The Navigator Company, S.A	5.96

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results. Commerce will establish a deadline for interested parties to submit case briefs and rebuttal briefs at a later date.[3] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. If Navigator's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate an importer-specific *ad valorem* antidumping duty assessment rate based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If Navigator's weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Navigator for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Navigator will be the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.80 percent, the all-others rate established in the investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of

of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Uncoated Paper from Portugal; 2017–2018,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[3] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[4] *See Certain Uncoated Paper from Portugal: Final Determination of Sales at Less than Fair Value and Final Negative Determination of Critical Circumstances,* 81 FR 3105 (January 20, 2016).

the antidumping duties by the amount of the antidumping duties reimbursement.

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: May 7, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
A. Determination of the Comparison Method
B. Results of the Differential Pricing Analysis
V. Product Comparisons
VI. Date of Sale
VII. Export Price and Constructed Export Price
VIII. Normal Value
A. Home Market Viability as Comparison Market
B. Level of Trade
C. Cost of Production
1. Calculation of COP
2. Test of Comparison Market Sales Prices
3. Results of the COP Test
D. Calculation of Normal Value Based on Comparison Market Prices
IX. Partial Application of Facts Available
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[FR Doc. 2019–10284 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–107]

Countervailing Duty Investigation of Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China: Postponement of Preliminary Determination

AGENCY: Enforcement and Compliance International Trade Administration, Department of Commerce.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Christian Llinas at (202) 482–4877, or Benito Ballesteros at (202) 482–7425, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 26, 2019, the Department of Commerce (Commerce) initiated the countervailing duty (CVD) investigation of wooden cabinets and vanities and components thereof (wooden cabinets and vanities) from the People's Republic of China (China).[1] Currently, the preliminary determination is due no later than May 30, 2019.

Postponement of Due Date for the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, in accordance with 19 CFR 351.205(e), section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if, among other reasons, the petitioner makes a timely request for a postponement, or Commerce concludes that the parties concerned are cooperating and determines that the investigation is extraordinarily complicated. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reason for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.[2]

In the instant investigation, the petitioner[3] made a timely request on May 2, 2019, that we postpone the preliminary CVD determination.[4] The petitioner stated that additional time is necessary to allow Commerce to select mandatory respondents and issue initial questionnaires, as well as to allow Commerce sufficient time to review questionnaire responses and request clarification and additional information as necessary.[5] In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, pursuant to section 703(c)(1)(A) of the Act, we are extending the due date for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.,* to August 5, 2019.[6] Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 9, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–10276 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–955]

Certain Magnesia Carbon Bricks From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain magnesia carbon bricks (MCBs) from the People's Republic of China (China) for the period of review (POR) January 1, 2016, through December 31, 2016.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and

[1] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 84 FR 12581 (April 2, 2019) (*Initiation*).

[2] *See* 19 CFR 351.205(e).

[3] In this investigation, the petitioner is the American Kitchen Cabinet Alliance and its individual members: ACProducts, Inc., American Woodmark Corporation, Bellmont Cabinet Co., Bertch Cabinet Manufacturing, The Corsi Group, Crystal Cabinet Works, Inc., Dura Supreme Cabinetry, Jim Bishop Cabinets, Inc., Kitchen Kompact, Inc., Koch & Co., Inc., Kountry Wood Products, LLC, Lanz Cabinets Incorporated, Leedo Cabinetry, Marsh Furniture Company, Master WoodCraft Cabinetry LLC, MasterBrand Cabinets, Inc., Nation's Cabinetry, Showplace Wood Products, Inc., Smart Cabinetry, Tru Cabinetry, Wellborn Cabinet, Inc., Wellborn Forest Products, Inc., Woodland Cabinetry, Inc., Woodmont Cabinetry, W. W. Wood Products, Inc. The Alliance also has two additional members, of which the identities are proprietary.

[4] *See* the petitioner's Letter, ''Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Request to Postpone Preliminary Determination,'' dated May 2, 2019.

[5] *Id.*

[6] The postponed due date actually falls on August 3, 2019, which is a Saturday. Therefore, the deadline moves to the next business day, August 5, 2019. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2008).

Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this administrative review on October 11, 2018.[1] For a history of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2] On January 28, 2019, Commerce tolled the deadlines in this case and for the final results by 40 days.[3] On March 5, 2019, Commerce extended the deadline for these final results to May 7, 2019.[4]

Analysis of Comments Received

All issues raised by interested parties in their case and rebuttal briefs, and our analysis thereof, are addressed in the Issues and Decision Memorandum. The issues are identified in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://trade.gov/enforcement/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Rescission of Administrative Review

It is Commerce's practice to rescind an administrative review of a CVD order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[5] Normally, upon completion of an administrative review of a CVD order, the suspended entries are liquidated at the assessment rate calculated for the review period.[6] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry for which Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the newly calculated assessment rate.[7] Based on our examination of the record, we continue to find that there is no evidence of reviewable entries, shipments, or U.S. sales of subject merchandise during the POR.[8] Accordingly, in the absence of suspended entries of subject merchandise during the POR for this administrative review, Commerce is rescinding this administrative review of the CVD order on MCBs from China, pursuant to 19 CFR 351.213(d)(3). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice.

Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: May 7, 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. Rescission of Administrative Review
V. Discussion of the Issue: Treatment of Fedmet
VI. Recommendation

[FR Doc. 2019–10273 Filed 5–16–19; 8:45 am]

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[1] *See Certain Magnesia Carbon Bricks from the People's Republic of China: Preliminary Results of the Countervailing Duty Administrative Review; 2016,* 83 FR 51444 (October 11, 2018) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China; 2016.''

[2] *See* Memorandum, ''Certain Magnesia Carbon Bricks from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2016 Countervailing Duty Administrative Review,'' which is dated concurrently with these final results and is hereby adopted by this notice (Issues and Decision Memorandum).

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. As a result, all deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China: Extension of Deadline for the Final Results,'' dated March 5, 2019.

[5] *See, e.g., Certain Welded Carbon Steel Standard Pipe and Tube from Turkey: Notice of Final Rescission of Countervailing Duty Administrative Review, In Part,* 77 FR 6542 (February 8, 2012) and accompanying Issues and Decision Memorandum at 2; *Certain Magnesia Carbon Bricks from China: Rescission of Countervailing Duty Administrative Review; 2014,* 82 FR 4300 (January 13, 2017) (*China MCBs 2014 AR*).

[6] *See* 19 CFR 351.212(b)(1).

[7] *See China MCBs 2014 AR.*

[8] *See* Issues and Decision Memorandum at sections, ''Rescission of Administrative Review,'' and ''Discussion of the Issue.''

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–830]

Strontium Chromate From France: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that strontium chromate from France is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) July 1, 2017, through June 30, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Joshua Simonidis, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–0608, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation

on October 2, 2018.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[2] On March 11, 2019, Commerce postponed the preliminary determination of this investigation until May 13, 2019.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is strontium chromate from France. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce is therefore not modifying the scope language as it appeared in the *Initiation Notice. See* the Scope of the Investigation in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for all imports of strontium chromate from France. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for Société Nouvelle des Couleurs Zinciques (SNCZ), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or determined entirely under section 776 of the Act, the estimated weighted-average dumping margin calculated for SNCZ is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Société Nouvelle des Couleurs Zinciques	30.32
All Others	30.32

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant

[1] *See Strontium Chromate From Austria and France: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 49543 (October 2, 2018) (*Initiation Notice*).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See Strontium Chromate from Austria and France: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 84 FR 8669 (March 11, 2019).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Strontium Chromate from France,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice.*

Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On April 17, 2019, pursuant to 19 CFR 351.210(e), SNCZ requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[8] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.[9]

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: May 13, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is strontium chromate, regardless of form (including but not limited to, powder (sometimes known as granular), dispersions (sometimes known as paste), or in any solution). The chemical formula for strontium chromate is SrCrO4 and the Chemical Abstracts Service (CAS) registry number is 7789–06–2.

Strontium chromate that has been blended with another product or products is included in the scope if the resulting mix contains 15 percent or more of strontium chromate by total formula weight. Products with which strontium chromate may be blended include, but are not limited to, water and solvents such as Aromatic 100 Methyl Amyl Ketone (MAK)/2-Heptanone, Acetone, Glycol Ether EB, Naphtha Leicht, and Xylene. Subject merchandise includes strontium chromate that has been processed in a third country into a product that otherwise would be within the scope of this investigation if processed in the country of manufacture of the in-scope strontium chromate.

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 2841.50.9100. Subject merchandise may also enter under HTSUS subheading 3212.90.0050. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Postponement of Final Determination and Extension of Provisional Measures
V. Discussion of the Methodology
  A. Determination of the Comparison Method
  B. Results of the Differential Pricing Analysis
VI. Date of Sale
VII. Product Comparisons
VIII. Export Price
IX. Constructed Export Price
X. Normal Value
  A. Home Market Viability
  B. Level of Trade
  C. Cost of Production Analysis
  1. Calculation of COP
  2. Test of Comparison-Market Sales Prices
  3. Results of the COP Test
  D. Calculation of NV Based on Comparison-Market Prices
XI. Currency Conversion
XII. Critical Circumstances
  A. Legal Framework
  B. Critical Circumstances Allegation
  C. Analysis
XIII. Conclusion

[FR Doc. 2019–10282 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–842]

Certain Uncoated Paper From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain uncoated paper (uncoated paper) from Brazil is being, or is likely to be, sold in the United States at less than fair value. Interested parties are

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* SNCZ's letter, ''Strontium Chromate from France: Request to Postpone the Due Date for the Final Determination,'' dated April 17, 2019.

[9] *See* section 735(b)(2) of the Act.

invited to comment on these preliminary results.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Christian Llinas, 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) 482–4877.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2018, Commerce initiated the antidumping duty administrative review on uncoated paper from Brazil.[1] The review covers one producer/exporter of the subject merchandise, Suzano Papel e Celulose S.A. (Suzano). The period of review (POR) is March 1, 2017, through February 28, 2018. On November 27, 2018, we extended the preliminary results until January 30, 2019.[2] However, Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[3] As a result, the revised deadline for the preliminary results of this administrative review became March 11, 2019. On March 7, 2019, we extended the preliminary results until April 11, 2019.[4] On April 9, 2019, we extended the preliminary results until May 10, 2019.[5] Interested parties are invited to comment on these preliminary results.

Scope of the Order

The product covered by this review is uncoated paper from Brazil. For a full description of the scope *see* the Preliminary Decision Memorandum dated concurrently with and hereby adopted by this notice.[6]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is 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 Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Administrative Review

We preliminarily determine that the following weighted-average dumping margin exists for the period March 1, 2017, through February 28, 2018.

Exporter/producer	Weighted-average margin (percent)
Suzano Papel e Celulose S.A	16.25

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to the parties within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[7] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[8]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[9] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rate

If a respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[10] If a respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct U.S. Customs and Border Protection (CBP) to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews.*[11] The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable. We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 19215 (May 2, 2018).

[2] *See* Memorandum, ''Second Antidumping Duty Administrative Review of Certain Uncoated Paper from Brazil: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated November 27, 2018.

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Second Antidumping Duty Administrative Review of Certain Uncoated Paper from Brazil: Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 7, 2019.

[5] *See* Memorandum, '' Second Antidumping Duty Administrative Review of Certain Uncoated Paper from Brazil: Third Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 9, 2019.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Uncoated Paper from Brazil; 2017–2018,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *See* 19 CFR 351.310(c).

[10] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[11] *See Final Modification for Reviews,* 77 FR 8103; *see also* 19 CFR 351.106(c)(2).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of uncoated paper from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for companies subject to this review will be equal to the weighted-average dumping margins established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 27.11 percent, the all-others rate established in the less-than-fair-value investigation.[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

[12] *See Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders,* 81 FR 11173 (March 3, 2016).

Dated: May 10, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2019–10274 Filed 5–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–981, A–552–814, C–570–982]

Utility Scale Wind Towers From the People's Republic of China and the Socialist Republic of Vietnam: Continuation of Antidumping Duty Orders and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on utility scale wind towers (wind towers) from the People's Republic of China (China) and the Socialist Republic of Vietnam (Vietnam), and revocation of the countervailing duty (CVD) order on wind towers from China would likely lead to a continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders and the CVD order.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, AD/CVD Operations, Office IV (AD) and Kristen Johnson, AD/CVD Operations, Office III (CVD), Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3609 and (202) 482–4793, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2013, Commerce published in the **Federal Register** the AD orders on wind towers from China and Vietnam and the CVD order on wind towers from China.[1] On January 2, 2018, Commerce published the initiation of the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Also, on January 2, 2018, the ITC instituted its review of the *Orders.*[3] Commerce received timely notices of intent to participate in these reviews from the Wind Tower Trade Coalition (WTTC), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] On February 5, 2018, Commerce received complete and adequate substantive responses from the WTTC within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce received no substantive response from respondent interested parties. Pursuant to section 751(c)(3)(B) of the Act, Commerce conducted expedited (120-day) sunset reviews of the *Orders.*[6] On April 19, 2018, the ITC published its notice to conduct a full five-year review of the *Orders.*[7]

As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(b) and (c) of the Act,

[1] *See Utility Scale Wind Towers from the People's Republic of China: Antidumping Duty Order,* 78 FR 11146 (February 15, 2013); *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 11150 (February 15, 2013); and *Utility Scale Wind Towers from the People's Republic of China: Countervailing Duty Order,* 78 FR 11152 (February 15, 2013) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 83 FR 100 (January 2, 2018).

[3] *See Utility Scale Wind Towers from China and Vietnam; Institution of Five-Year Reviews,* 83 FR 142 (January 2, 2018).

[4] *See* WTTC's Letter, ''Utility Scale Wind Towers from the People's Republic of China: Notice of Intent to Participate in Sunset Review'' (January 17, 2018) (AD); WTTC's Letter, ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Notice of Intent to Participate in Sunset Review,'' (January 17, 2018) (AD); and WTTC's Letter, ''Utility Scale Wind Towers from the People's Republic of China: Notice of Intent to Participate in Sunset Review'' (January 17, 2018) (CVD).

[5] *See* WTTC's Letter, ''Utility Scale Wind Towers from the People's Republic of China: Substantive Response to Notice of Initiation of Sunset Review'' (February 5, 2018) (AD); WTTC's Letter, ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Substantive Response to Notice of Initiation of Sunset Review'' (February 5, 2018) (AD); and WTTC's Letter, ''Utility Scale Wind Towers from the People's Republic of China: Substantive Response to Notice of Initiation of Sunset Review'' (February 5, 2018) (CVD).

[6] *See Utility Scale Wind Towers from the People's Republic of China and the Socialist Republic of Vietnam: Final Results of Expedited First Sunset Reviews of Antidumping Duty Orders,* 83 FR 19220 (May 2, 2018); and Utility Scale Wind Towers from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order, 83 FR 22960 (May 17, 2018).

[7] *See Utility Scale Wind Towers from China and Vietnam; Notice of Commission Determination to Conduct Full Five-Year Reviews,* 83 FR 17446 (April 19, 2018).

that revocation of the *Orders* on wind towers from China and Vietnam would likely lead to continuation or recurrence of dumping and countervailable subsidies. Commerce, therefore, notified the ITC of the magnitude of the margins of dumping and net countervailable subsidy rates likely to prevail should these *Orders* be revoked, in accordance with sections 752(b)(3) and (c)(3) of the Act.[8]

On May 8, 2019, the ITC published its determination that revocation of the *Orders* would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to sections 751(c) and 752(a) of the Act.[9]

Scope of the Orders

The merchandise covered by the *Orders* is certain wind towers, whether or not tapered, and sections thereof. Certain wind towers are designed to support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.,* where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (*e.g.,* flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof.

Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 7308.20.0020[10] or 8502.31.0000.[11] Prior to 2011, merchandise covered by the *Orders* was classified in the HTSUS under subheading 7308.20.0000 and may continue to be to some degree. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to a continuation or recurrence of dumping and countervailable subsidies and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of these *Orders* on wind towers from China and Vietnam. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of these *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year (sunset) reviews of these *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: May 9, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–10270 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

[8] *Id.*

[9] *See Utility Scale Wind Towers from China and Vietnam; Determinations,* 84 FR 20164 (May 8, 2019); *see also Utility Scale Wind Towers from China and Vietnam:* Investigation Nos. 701–TA–486 and 731–TA–1195–1196 (Review), USITC Publication 4888 (April 2019).

[10] Wind towers are classified under HTSUS 7308.20.0020 when imported as a tower or tower section(s) alone.

[11] Wind towers may also be classified under HTSUS 8502.31.0000 when imported as part of a wind turbine (*i.e.,* accompanying nacelles and/or rotor blades).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–813]

Strontium Chromate From Austria: Preliminary Determination of Sales at Not Less Than Fair Value and Postponement of Final Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that strontium chromate from Austria is not being, or is not likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) July 1, 2017, through June 30, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Jaron Moore, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–3640, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on October 2, 2018.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[2] On March 11, 2019, Commerce postponed the preliminary determination of this investigation until May 13, 2019.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary

[1] *See Strontium Chromate from Austria and France: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 49543 (October 2, 2018) (*Initiation Notice*).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See Strontium Chromate from Austria and France: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 84 FR 8669 (March 11, 2019).

Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is strontium chromate from Austria. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce is therefore not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the Scope of the Investigation in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Determination

For this preliminary determination, Commerce calculated an estimated weighted-average dumping margin of 1.24 percent (*de minimis*) for Habich GmbH, the only mandatory respondent in this investigation. Consistent with section 733(d) of the Act, Commerce has not calculated an estimated weighted-average dumping margin for all other producers and exporters because it has not made an affirmative preliminary determination of sales at LTFV.

Suspension of Liquidation

Because Commerce has made a negative preliminary determination of sales at LTFV with regard to subject merchandise, U.S. Customs and Border Protection will not be directed to suspend liquidation on entries of strontium chromate from Austria.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination

Section 735(a)(2)(B) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of a negative preliminary determination, a request for such postponement is made by the petitioner.[8] On April 12, 2019, the petitioner requested that Commerce postpone the final determination.[9] In accordance with section 735(a)(2)(B) of the Act, because the preliminary determination is negative and the petitioner has requested the postponement of the final determination, Commerce is postponing the final determination. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine 75 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.[10]

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Strontium Chromate from Austria'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice.*

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[8] The petitioner is Lumimove, Inc., d.b.a. WPC Technologies.

[9] *See* Petitioner's letter, ''Strontium Chromate from Austria; Habich GmbH's Request to Extend Final Determination,'' dated April 12, 2019.

[10] *See* section 735(b)(3) of the Act.

Dated: May 13, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is strontium chromate, regardless of form (including but not limited to, powder (sometimes known as granular), dispersions (sometimes known as paste), or in any solution). The chemical formula for strontium chromate is SrCrO4 and the Chemical Abstracts Service (CAS) registry number is 7789–06–2.

Strontium chromate that has been blended with another product or products is included in the scope if the resulting mix contains 15 percent or more of strontium chromate by total formula weight. Products with which strontium chromate may be blended include, but are not limited to, water and solvents such as Aromatic 100 Methyl Amyl Ketone (MAK)/2-Heptanone, Acetone, Glycol Ether EB, Naphtha Leicht, and Xylene. Subject merchandise includes strontium chromate that has been processed in a third country into a product that otherwise would be within the scope of this investigation if processed in the country of manufacture of the in-scope strontium chromate.

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 2841.50.9100. Subject merchandise may also enter under HTSUS subheading 3212.90.0050. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Postponement of Final Determination
V. Discussion of the Methodology
  A. Determination of the Comparison Method
  B. Results of the Differential Pricing Analysis
VI. Date of Sale
VII. Product Comparisons
VIII. Export Price
IX. Constructed Export Price
X. Normal Value
  A. Home Market Viability
  B. Level of Trade
  C. Cost of Production Analysis
  1. Calculation of COP
  2. Test of Comparison-Market Sales Prices
  3. Results of the COP Test
  D. Calculation of NV Based on Comparison-Market Prices
XI. Currency Conversion
XII. Conclusion

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967, C–570–968]

Aluminum Extrusions From the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement & Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that extruded aluminum products that are made from aluminum previously extruded in the People's Republic of China (China) and are exported from the Socialist Republic of Vietnam (Vietnam), regardless of producer, exporter, or importer, constitute merchandise completed or assembled in other foreign countries and are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from China. Commerce also preliminarily intends to rescind its minor alterations anti-circumvention inquiry.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Erin Kearney, AD/CVD Operations, Office VI, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0167.

SUPPLEMENTARY INFORMATION:

Background

Based on a request from the Aluminum Extrusions Fair Trade Committee (the petitioner),[1] on March 5, 2018, Commerce initiated anti-circumvention inquiries [2] pursuant to sections 781(b) and (c) of the Tariff Act of 1930, as amended (the Act), regarding imports of certain aluminum extrusions from Vietnam by China Zhongwang Holdings Ltd. and its affiliates [3] (collectively, Zhongwang). We also indicated in our *Initiation Notice* that we intended to consider whether the inquiries should apply to all such imports of extruded aluminum products from Vietnam, regardless of producer, exporter, or importer.[4] On March 23, 2018, we issued an anti-circumvention questionnaire to Zhongwang, which did not respond.[5] Between May 25, 2018, and July 5, 2018, we received comments and rebuttal comments from the petitioner and East Asia Aluminum Ltd. (East Asia).[6]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[7] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. On February 22, 2019, we extended the final determination deadline until June 7, 2019.[8]

Scope of the Orders [9]

The merchandise covered by the *Orders* is aluminum extrusions from the People's Republic of China. The merchandise subject to the *Orders* is currently classifiable in the Harmonized

[1] *See* Petitioner's Letter, ''Aluminum Extrusions from the People's Republic of China: Request for Anti-Circumvention Inquiry,'' dated January 9, 2018 (Anti-Circumvention Request).

[2] *See Aluminum Extrusions from the People's Republic of China: Initiation of Anti-Circumvention Inquiries,* 83 FR 9267 (March 5, 2018) (*Initiation Notice*).

[3] The petitioner provided names of known, and potential, entities involved in Zhongwang's import and export of Vietnamese aluminum extrusions. The entities involved in the exportation Vietnamese aluminum extrusions are Chinese, Mexican, Singaporean, U.S., and Vietnamese affiliates of Zhongwang. Through the course of inquiry, we intend to examine in addition to Zhongwang the following affiliated companies: Aluminicaste Fundicion de Mexico (Aluminicaste); Dalian Liwan Trade Co., Ltd.; Tianjin Boruxin Trading Co., Ltd.; Dragon Luxe Limited; Perfectus Aluminum Inc, Perfectus Aluminum Acquisitions LLC Pencheng Aluminum Enterprise Inc. USA; Transport Aluminum Inc.; Aluminum Source Inc.; Aluminum Industrial Inc.; Global Aluminum (USA) Inc.; Aluminum Shapes, LLC; Century American Aluminum Inc.; and American Apex Aluminum Inc.; Global Vietnam Aluminum Co., Ltd. (GVA); Global Tower Worldwide Ltd.

[4] *See Initiation Notice,* 83 FR at 9268–9269.

[5] *See* Commerce Letters re: Anti-Circumvention Questionnaire, dated March 23, 2018.

[6] *See* Petitioner's Letter, ''Aluminum Extrusions from the People's Republic of China: Request to Issue Preliminary Determination,'' dated May 25, 2018; *see* East Asia Aluminum's Letter, ''Aluminum Extrusions from China; Anticircumvention—Zhongwang Pallets Vietnam,'' dated June 22, 2018; *see also* Petitioner's Letter, ''Aluminum Extrusions from the People's Republic of China: Response to East Asia Aluminum's Comments,'' dated June 5, 2018.

[7] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[8] *See* Commerce Letter, ''Aluminum Extrusions from the People's Republic of China: Extension of Anti-Circumvention Final Ruling Deadline,'' dated February 22, 2019.

[9] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011)*; see also Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (collectively, the *Orders*).

Tariff Schedule of the United States (HTSUS): 6603.90.8100, 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.[10]

Merchandise Subject to the Anti-Circumvention Inquiries

These anti-circumvention inquiries cover extruded aluminum products that are made from aluminum previously extruded in China that meet the description of the *Orders* and are exported from Vietnam, regardless of producer, exporter or importer (inquiry merchandise).[11]

Methodology

Commerce is conducting these anti-circumvention inquiries in accordance with section 781(b) of the Act and 19 CFR 351.225(h). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, the signed Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is attached at Appendix I of this notice.

Affirmative Preliminary Determination of Circumvention

Based on our analysis, as detailed in the Preliminary Decision Memorandum, we preliminarily find that the inquiry merchandise constitutes merchandise completed or assembled in a foreign country pursuant to 781(b) of Act that is circumventing, and should be included within the scope of the *Orders.*[12] We have preliminarily determined to apply these circumvention rulings to inquiry merchandise regardless of producer, exporter, or importer, based on evidence provided by the petitioner and adverse facts available.[13] In addition, if we affirm our preliminary determination in our final determination, pursuant to section 781(b) of the Act, we intend to rescind the minor alterations anti-circumvention inquiry pursuant to section 781(c) of the Act.

Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(2), Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of inquiry merchandise from Vietnam sourced from aluminum previously extruded in China, regardless of producer, exporter, or importer, entered, or withdrawn from warehouse, for consumption, on or after March 5, 2018, the date of publication of the initiation of these anti-circumvention inquiries. Commerce will also instruct CBP to require a cash deposit of estimated duties at the rate applicable to the exporter, on all unliquidated entries of inquiry merchandise entered, or withdrawn from warehouse, for consumption on or after March 5, 2018.

[10] A full description of the scope of the *Orders* is contained in the memorandum, ''Anti-Circumvention Inquiry Regarding the Antidumping Duty and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Preliminary Determination Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[11] Commerce initiated its anti-circumvention inquiries to determine whether extruded aluminum products that meet the description of the *Orders* exported from Vietnam by Zhongwang are circumventing the *Orders* on aluminum extrusions from China. Commerce also stated in the *Initiation Notice* that it intended to consider applying the inquiries to all imports of inquiry merchandise from Vietnam, regardless of producer, exporter, or importer. The petitioner provided names of known, and potential, entities involved in Zhongwang's imports and exports of aluminum extrusions. In addition to Zhongwang, the following companies were named by the petitioner as affiliated companies to Zhongwang: Aluminicaste Fundicion de Mexico; Dalian Liwan Trade Co., Ltd.; Tianjin Boruxin Trading Co., Ltd.; Dragon Luxe Limited; Perfectus Aluminum Inc, Perfectus Aluminum Acquisitions LLC; Pencheng Aluminum Enterprise Inc. USA; Transport Aluminum Inc.; Aluminum Source Inc.; Aluminum Industrial Inc.; Global Aluminum (USA) Inc.; Aluminum Shapes, LLC; Century American Aluminum Inc.; American Apex Aluminum Inc.; GVA; and Global Tower Worldwide Ltd. Additionally, information on the record suggests that Zhongwang's affiliate network is growing, thereby creating the opportunity to further evade the *Orders. See* Anti-Circumvention Request, at Exhibits 1, 4, 5, 6, 10, 11, and 30. Therefore, we preliminarily find that all exports of aluminum extrusions from Vietnam, which are made from aluminum previously extruded in China, regardless of the producer or exporter from China, are covered by the *Orders.*

[12] *See* section 781(b) of the Act; *see also* 19 CFR 351.225(h).

[13] *See* Preliminary Decision Memorandum, at 7.

Intent To Consider Certification Requirement

In light of Commerce's preliminary finding of circumvention, we are considering whether to require importers and exporters of certain aluminum extrusions, which claim their merchandise is not subject to the *Orders,* to certify that their aluminum extrusions are made from aluminum not previously extruded in China.[14] Interested parties are invited to comment on the proposed certifications in their case briefs.

Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[15] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the due date for filing case briefs.[16] Parties who submit case or rebuttal briefs are requested to submit with the argument: (a) A statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities. Parties submitting briefs should do so using Commerce's electronic filing system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. A written request for a hearing must be received successfully in its entirety in ACCESS, by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[17] Hearing requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues parties intend to present at the hearing. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.

Final Determination

Pursuant to section 781(f) of the Act, the final determination with respect to this anti-circumvention inquiry, including the results of Commerce's analysis of any written comments, will be issued no later than June 7, 2019, unless extended.

This preliminary affirmative anti-circumvention determination is published in accordance with section 78l(b) of the Act and 19 CFR 351.225.

[14] *See* Attachments II–IV.

[15] *See* 19 CFR 351.309(c).

[16] *See* 19 CFR 351.309(d).

[17] *See* 19 CFR 351.310(c).

Dated: May 10, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
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VI. Use of Facts Available With an Adverse Inference
A. Merchandise of the Same Class or Kind
B. Completion of Merchandise in a Foreign Country
C. Minor or Insignificant Process
(1) Level of Investment
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VII. Preliminary Determination
VIII. Minor Alterations of Merchandise: Intent To Rescind
IX. Certification Requirement
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Appendix II

Certification Eligibility and Requirements

A. Eligibility for the Certification

(1) Importers and exporters of aluminum extrusions from the Socialist Republic of Vietnam (Vietnam) that were completed in Vietnam using aluminum not previously extruded in the People's Republic of China (China) are eligible for the certification process detailed below and in the preliminary determination.

B. Certification Requirements for Importers and Exporters of Aluminum Extrusions Completed in Vietnam Using Aluminum Not Previously Extruded in China

(1) For entries of aluminum extrusions completed in Vietnam that were entered, or withdrawn from warehouse, for consumption on or after March 5, 2018 (the date of initiation of this anticircumvention inquiry), for which the importer claims that the aluminum extrusions were completed (including extruded) in Vietnam using aluminum not previously extruded in China, the importer and exporter are required to meet the certification and documentation requirements detailed below in order for no AD and/or CVD cash deposit to be required on such entries.

(2) The importer is required to complete and maintain the importer certification, attached as Appendix III. Where the importer uses an agent or broker to facilitate the entry process, it must obtain and provide the entry number as part of the certification. Agents of the importer, such as brokers, however, are not permitted to make this certification on behalf of the importer.

(3) The exporter is required to complete and maintain the exporter certification, attached as Appendix IV. The exporter certification should be completed by the party selling the merchandise completed in Vietnam to the United States, which is not necessarily the producer of the product.

(4) The exporter is further required to provide the importer with a copy of the exporter certification.

(5) The importer is also required to maintain a copy of the exporter certification.

(6) The importer and exporter are also required to maintain sufficient documentation (as indicated in the certifications) supporting their certifications.

(7) The importer and exporter are required to maintain the certifications and supporting documentation for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

(8) Although the importer will not be required to submit the certifications or supporting documentation to U.S. Customs and Border Protection (CBP) as part of the entry process, the importer and the exporter will be required to present the certifications and supporting documentation, to Commerce and/or CBP, as applicable, upon request by the respective agency.

(9) The claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP.

C. Certification Timing Requirements for Importers and Exporters of Aluminum Extrusions Completed in Vietnam Using Aluminum Not Previously Extruded in China

(1) For unliquidated entries of merchandise (a) shipped and/or (b) entered, or withdrawn from warehouse, for consumption during the period, March 5, 2018 (the date of initiation of this anti-circumvention inquiry), through the 29th day after the date of publication of the preliminary determination in the **Federal Register**, for which certifications are required:

(a) The importers and exporters each have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof. Importer and exporter certifications for these entries should be completed, signed and dated within 45 days of publication of the preliminary determination in the **Federal Register**.

Accordingly, the relevant bullet in the certification should be edited to reflect that the certification was completed within this time frame. For example, the bullet in the importer certification that reads: ''This certification was completed by the time of filing the entry summary,'' could be edited as follows: ''The shipments/products referenced herein entered before the mm/dd/yyyy publication of the *Preliminary Determination Federal Register* notice. This certification was completed on mm/dd/yyyy, within 45 days of the **Federal Register** notice publication.''

Similarly, the bullet in the exporter certification that reads, ''This certification was completed by the time of shipment,'' could be edited as follows: ''The shipments/products referenced herein shipped before the mm/dd/yyyy publication of the *Preliminary Determination Federal Register* notice. This certification was completed on mm/dd/yyyy, within 45 days of the **Federal Register** notice publication.''

(b) Additionally, the exporter must provide the importer a copy of the exporter certification within 45 days of the publication of the preliminary determination in the **Federal Register**.

(2) For subject merchandise (1) shipped and/or (2) entered, or withdrawn from warehouse, for consumption on or after the date that is 30 days after publication of the preliminary determination in the **Federal Register**, for which certifications are required:

(a) The importer certification must be completed, signed, and dated by the deadline for filing of the entry summary for the relevant importation; and

(b) The exporter certification must be completed, signed, dated and provided to the importer by the time of shipment of the relevant entries.

D. Importers and Exporters Not Eligible for the Certification Process

(1) Importers and exporters of aluminum extrusions from the Socialist Republic of Vietnam (Vietnam):

- That were completed (included extruded) in Vietnam using aluminum previously extruded in China and/or
- that do not meet the certification requirements detailed above are not eligible for the certification process detailed above and in the preliminary determination.

(2) For aluminum extrusions completed in Vietnam from aluminum previously extruded in China and, thus, subject to the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China, A–570–967 and C–570–968, Commerce has established the following third-country case numbers in the Automated Commercial Environment (ACE): A–552–998 and C–552–999.

(3) For unliquidated entries (and entries for which liquidation has not become final) of merchandise not eligible for the certifications, that entered as non-AD/CVD type entries (*e.g.,* type 01) that were shipped and/or entered, or withdrawn from warehouse, for consumption during the period, March 5, 2018 (the date of initiation of this anti-circumvention inquiry) through the date of publication of the preliminary determination in the **Federal Register**, importers should file a Post Summary Correction with CBP, as applicable, in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type (*e.g.,* types 03, 06,) entries and report those AD/CVD type entries using the third-country case numbers, A–552–998 and C–552–999. Similarly, the importer should pay cash deposits on those entries, consistent with the regulations governing post summary corrections, that require payment of additional duties.

(4) Further, Commerce intends to instruct CBP to suspend (under the third-country case numbers identified above) all unliquidated shipments of aluminum extrusions completed in Vietnam for which the certification and/or documentation requirements have not been met, and to require the importer to post applicable AD and CVD cash deposits equal to the rates as determined by Commerce. Entries suspended under these third-country case numbers will be liquidated pursuant to applicable administrative reviews of the China AD and CVD orders or through the automatic liquidation process.

Appendix III

Importer Certification

I hereby certify that:

- My name is {INSERT COMPANY OFFICIAL'S NAME} and I am an official of {INSERT NAME OF IMPORTING COMPANY};
- I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the aluminum extrusions completed in Vietnam that entered under entry number(s) {INSERT ENTRY NUMBER(S)} and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have ''direct personal knowledge'' of the importation of the product (*e.g.,* the name of the exporter) in its records;
- I have personal knowledge of the facts regarding the production of the imported products covered by this certification. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the source of the substrate used to produce the imported products);
- The aluminum extrusions completed (including extruded) in Vietnam do not contain aluminum previously extruded in China, regardless of whether sourced directly from a Chinese producer or from a downstream supplier;
- I understand that {INSERT NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, productions records, invoices, etc.) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries;
- I understand that {INSERT NAME OF IMPORTING COMPANY}is required to provide this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce);
- I understand that {INSERT NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification, (attesting to the production and/or export of the imported merchandise identified above), for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries;
- I understand that {INSERT NAME OF IMPORTING COMPANY}is required to maintain and provide a copy of the exporter's certification and supporting records, upon request, to CBP and/or Commerce;
- I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;
- I understand that failure to maintain the required certification and/or failure to substantiate the claims made herein will result in:
  - Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and
  - the requirement that the importer post applicable antidumping duty (AD) and countervailing duty (CVD) cash deposits (as appropriate) equal to the rates determined by Commerce;
- I understand that agents of the importer, such as brokers, are not permitted to make this certification;
- This certification was completed by the time of filing the entry summary; and
- I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make materially false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

Appendix IV

Exporter Certification

I hereby certify that:

- My name is {INSERT COMPANY OFFICIAL'S NAME HERE} and I am an official of {INSERT NAME OF EXPORTING COMPANY};
- I have direct personal knowledge of the facts regarding the production and exportation of the aluminum extrusions identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own books and records. For example, an exporter should have ''direct personal knowledge'' of the producer's identity and location;
- Thee aluminum extrusions completed (including extruded) in Vietnam do not contain aluminum previously extruded in China, regardless of whether sourced directly from a Chinese producer or from a downstream supplier;
- I understand that {INSERT NAME OF EXPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, productions records, invoices, etc.) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries;

• I understand that {INSERT NAME OF EXPORTING COMPANY} must provide this Exporter Certification to the U.S. importer by the time of shipment.

• I understand that {INSERT NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce);

• I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

• I understand that failure to maintain the required certification and/or failure to substantiate the claims made herein will result in:

○ Suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

○ the requirement that the importer post applicable antidumping duty (AD) and countervailing duty (CVD) cash deposits (as appropriate) equal to the rates as determined by Commerce;

• This certification was completed by the time of shipment; and

• I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make materially false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

[FR Doc. 2019–10275 Filed 5–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty order on certain steel nails (nails) from the People's Republic of China (China) would be likely to lead to a continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Susan S. Pulongbarit, 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) 482–4031.

Background

On August 1, 2008, Commerce published in the **Federal Register** the antidumping duty order on nails from China.[1] On December 3, 2018, Commerce published the notice of initiation of the five-year review of the *China Nails Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On December 4, 2018, Commerce received a Notice of Intent to Participate in this review from domestic interested party Mid Continent Steel & Wire, Inc. (Mid Continent) within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Mid Continent claimed interested party status under section 771(9)(C) of the Act, as manufacturer of a domestic like product in the United States.[4] On January 2, 2019, Mid Continent provided a timely and complete substantive response for this review within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] We received no substantive responses from any other interested parties, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *China Nails Order.*

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[6] If the tolled deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for this final determination is now May 13, 2019.

[1] *See Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China,* 73 FR 44961 (August 1, 2008) (*China Nails Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 83 FR 62296 (December 3, 2018).

[3] *See* Letter from Mid Continent, ''Certain Steel Nails from the People's Republic of China: Entry of Appearance, Notice of Intent to Participate in Review, and APO Application,'' dated December 4, 2018.

[4] *Id.* at 1–2.

[5] *See* Letter from Mid Continent, ''Certain Steel Nails from the People's Republic of China: Substantive Response to Notice of Initiation,'' dated January 2, 2018 (Substantive Response).

[6] *See* memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

Scope of the Order

The merchandise covered by the *China Nails Order* includes certain steel nails having a shaft length up to 12 inches. Certain steel nails include, but are not limited to, nails made of round wire and nails that are cut. Certain steel nails may be of one piece construction, or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and have a variety of finishes, heads, shanks, point types, shaft lengths and shaft diameters. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, whether by electroplating or hot dipping one or more times), phosphate cement, and paint. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted shank styles. Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the fastener using a tool that engages with the head. Point styles include, but are not limited to, diamond, blunt, needle, chisel and no point. Finished nails may be sold in bulk, or they may be collated into strips or coils using materials such as plastic, paper, or wire. Certain steel nails subject to this order are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 7317.00.55, 7317.00.65, 7317.00.75, 7907.00.6000,[7] 7318.29.0000, and 8206.00.0000.[8]

Excluded from the scope of this order are steel roofing nails of all lengths and diameter, whether collated or in bulk, and whether or not galvanized. Steel roofing nails are specifically enumerated and identified in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails. Also excluded from the scope are the following steel nails: (1) Non-collated (*i.e.,* hand-driven or bulk), two-piece steel nails having plastic or steel washers (caps) already assembled to the nail, having a bright or galvanized finish, a ring, fluted or spiral shank, an actual length of 0.500″ to 8″, inclusive;

[7] Commerce added the Harmonized Tariff Schedule of the United States (HTSUS) category 7907.00.6000, ''Other articles of zinc: Other,'' to the language of the *Order. See* Memorandum to Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office 9, Antidumping and Countervailing Duty Operations, regarding ''Certain Steel Nails from the People's Republic of China: Cobra Anchors Co. Ltd. Final Scope Ruling,'' dated September 19, 2013.

[8] Commerce added the HTS categories 7318.29.000 and 8206.00.0000 per a request by U.S. Customs and Border Protection on February 24, 2017.

and an actual shank diameter of 0.1015″ to 0.166″, inclusive; and an actual washer or cap diameter of 0.900″ to 1.10″, inclusive; (2) Non-collated (*i.e.,* hand-driven or bulk), steel nails having a bright or galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500″ to 4″, inclusive; an actual shank diameter of 0.1015″ to 0.166″, inclusive; and an actual head diameter of 0.3375″ to 0.500″, inclusive; (3) Wire collated steel nails, in coils, having a galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500″ to 1.75″, inclusive; an actual shank diameter of 0.116″ to 0.166″, inclusive; and an actual head diameter of 0.3375″ to 0.500″, inclusive; and (4) Non-collated (*i.e.,* hand-driven or bulk), steel nails having a convex head (commonly known as an umbrella head), a smooth or spiral shank, a galvanized finish, an actual length of 1.75″ to 3″, inclusive; an actual shank diameter of 0.131″ to 0.152″, inclusive; and an actual head diameter of 0.450″ to 0.813″, inclusive.

Also excluded from the scope of this order are corrugated nails. A corrugated nail is made of a small strip of corrugated steel with sharp points on one side. Also excluded from the scope of this order are fasteners suitable for use in powder-actuated hand tools, not threaded and threaded, which are currently classified under HTSUS 7317.0020 and 7317.0030. Also excluded from the scope of this order are thumb tacks, which are currently classified under HTSUS 7317.00.1000.

Also excluded from the scope of this order are certain brads and finish nails that are equal to or less than 0.0720 inches in shank diameter, round or rectangular in cross section, between 0.375 inches and 2.5 inches in length, and that are collated with adhesive or polyester film tape backed with a heat seal adhesive. Also excluded from the scope of this order are fasteners having a case hardness greater than or equal to 50 HRC, a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the *China Nails Order* were to be revoked, are addressed in the accompanying Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *China Nails Order* would likely lead to the continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 118.04 percent.

Notification to Interested Parties

This notice serves as the only reminder to interested 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. Timely 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. We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: May 13, 2019.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margin Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2019–10272 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai) made sales of subject merchandise at less than normal value during the period of review (POR) March 1, 2017 through February 28, 2018. We invite interested parties to comment on these preliminary results.

DATES: Applicable May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1398.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes (pipe and tube) from Thailand. The POR is March 1, 2017, through February 28, 2018. Commerce selected Saha Thai for individual examination.

On November 29, 2018, Commerce extended the time for issuing the preliminary results of this review from 245 days to 335 days from the last day of the anniversary month.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[2] This

[1] *See* Memorandum, ''2017–2018 Antidumping Duty Administrative Review of Circular Welded Carbon Steel Pipes and Tubes from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated November 29, 2018.

[2] *See* Memorandum, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

extended the deadline for the preliminary results to April 10, 2019. On April 5, 2019, we further extended the deadline for the preliminary results an additional 30 days until May 10, 2019.[3]

Scope of the Order

The products covered by the antidumping order are certain circular welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. For a full description of the scope of this order, *see* the accompanying Preliminary Decision Memorandum.[4]

Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection (CBP) information, and comments provided by interested parties, Commerce preliminarily determines that three companies under review, Expeditors Ltd. (Expeditors); K Line Logistics (K-Line); and Panalpina World Transport Ltd. (Panalpina), each had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, the signed Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is attached in the appendix to this notice.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period March 1, 2017, through February 28, 2018:

Producer or exporter	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe (Public) Company, Ltd	5.32
Apex International Logistics	5.32
Aquatec Maxcon Asia	5.32
Asian Unity Part Co., Ltd	5.32
CSE Technologies Co., Ltd	5.32
Pacific Pipe Public Company Limited (also known as Pacific Pipe Company)	5.32
Pacific Pipe and Pump	5.32
Polypipe Engineering Co., Ltd	5.32
Siam Fittings Co., Ltd	5.32
Siam Steel Pipe Co., Ltd	5.32
Thai Malleable Iron and Steel	5.32
Thai Premium Pipe Co., Ltd	5.32
Vatana Phaisal Engineering Company	5.32

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[5] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electronic records system, ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised by each party in their respective case brief. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of this administrative review, Commerce shall determine and CBP shall assess antidumping duties on all appropriate entries. If a respondent's weighted-average dumping margin is not zero or

[3] *See* Memorandum, ''2017–2018 Antidumping Duty Administrative Review of Circular Welded Carbon Steel Pipes and Tubes from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 5, 2019.

[4] *See* Memorandum, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.303 (for general filing requirements).

de minimis (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification applies to entries of subject merchandise during the POR produced by a respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis,* then the cash deposit rate will be zero); (2) for previously reviewed or investigated companies not listed above in the Preliminary Results of Review, including those for which Commerce may determine had no shipments during the POR, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the ''all-others'' rate of 15.67 percent established in the less-than-fair-value investigation.[8] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: May 10, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Determination of No Shipments
V. Particular Market Situation
  A. Background
  B. Interested Parties' Arguments
  C. Analysis
VI. Comparison to Normal Value
VII. Product Comparisons
VIII. Discussion of Methodology
  A. Determination of Comparison Method
  B. Results of the Differential Pricing Analysis
  C. Date of Sale
  D. Export Price
  E. Normal Value
  F. Currency Conversion
IX. Recommendation

[FR Doc. 2019–10271 Filed 5–16–19; 8:45 am]

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[7] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *See Antidumping Duty Order: Circular Welded Carbon Steel Pipes and Tubes from Thailand,* 51 FR 8341 (March 11, 1986).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG359

Marine Mammals; File No. 21482

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Dan T. Engelhaupt, Ph.D., HDR, Inc., 4173 Ewell Road, Virginia Beach, VA 23455, has applied in due form for a permit to conduct scientific research on 83 species of marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before June 17, 2019.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21482 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the

taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a five-year research permit to conduct research that would further the understanding of marine mammal responses to anthropogenic activities, while contributing to cetacean and pinniped conservation by collecting critical baseline and exposure data required to inform long-term management. Research may occur in U.S. and international waters world-wide. Up to 83 species of marine mammals may be targeted including the following endangered or threatened species and stocks: Blue (*Balaenoptera musculus*), Bowhead (*Balaena mysticetus*), beluga (Cook Inlet distinct population segment [DPS]; *Delphinapterus leucas*), fin (*B. physalus*), gray (Western North Pacific stock; *Eschrichtius robustus*), Gulf of Mexico Bryde's (*B. edeni*), humpback (*Megaptera novaeangliae*), false killer (Main Hawaiian Islands Insular DPS; *Pseudorca crassidens*), North Atlantic right (*Eubalaena glacialis*), North Pacific right (*E. japonica*), sei (*B. borealis*), Southern Resident killer (*Orcinus orca*), Southern right (*E. australis*), and sperm (*Physeter macrocephalus*) whales; and pinnipeds including Steller sea lions (*Eumetopias jubatus*), and bearded (*Erignathus barbatus*), Guadalupe fur (*Arctocephalus townsendi*), Hawaiian monk (*Neomonachus schauinslandi*), ringed (*Phoca hispida*), and spotted (*P. largha*) seals. Marine mammals may be taken during underwater, vessel, and manned and unmanned aerial surveys for observation, photography, photo-ID, photogrammetry, video recording, and passive acoustic recording. Targeted cetaceans may also be taken for active acoustic playbacks, biological sampling (exhaled air, fecal, sloughed skin, or skin and blubber biopsy), and tagging (suction-cup, dart/barb, or fully-implantable). See the application for numbers of animals requested by species and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 14, 2019.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–10330 Filed 5–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG947

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Auke Bay Ferry Terminal Modifications and Improvements Project in Juneau, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for authorization to take marine mammals incidental to the Auke Bay Ferry Terminal Modifications and Improvements Project in Juneau, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than June 17, 2019.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Fowler@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection*-act without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the

availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity.'' The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On January 17, 2019, NMFS received a request from ADOT&PF for an IHA to take marine mammals incidental to pile driving activities at the Auke Bay Ferry Terminal in Juneau, Alaska. The application was deemed adequate and complete on April 1, 2019. ADOT&PF's request is for take of a small number of seven species of marine mammals by Level B harassment and Level A harassment. Neither ADOT&PF nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

ADOT&PF is proposing to modify and improve the existing dolphin structures at the Auke Bay Ferry Terminal. There are currently three Alaska Marine Highway System ferry berths in Auke Bay. The proposed project will involve the East Stern Berth facility, which was originally constructed in 2003 to accommodate new fast vehicle ferries. The East Stern Berth must be renovated to accommodate two new Alaska-class ferries, which will enter service in spring 2020. Four existing dolphins at the ferry terminal will be removed using a vibratory driver, and three breasting dolphins and two mooring dolphins will be installed using both vibratory and impact hammers. Vibratory pile removal and installation and impact pile installation would introduce underwater sounds at levels that may result in take, by Level A and Level B harassment, of marine mammals in Auke Bay.

Dates and Duration

Construction is scheduled to begin in November 2019 and continue through April 2020. Pile driving will be intermittent during this period, depending on weather, construction and mechanical delays, and logistical constraints. Pile installation and removal can occur at variable rates, from a few minutes to several hours per day. Vibratory pile installation and removal will occur over 27 non-consecutive days within the 6-month construction window. Impact installation will occur intermittently on 12 of those 27 days.

Specific Geographic Region

Auke Bay is an estuary at the southern end of Lynn Canal, located approximately 18 kilometers (km) (11 miles (mi)) north-northwest of downtown Juneau. The bay is one of many that lead to a larger system of glacial fjords connecting various channels with the open ocean. Auke Bay is approximately 130 km (80.7 mi) inland from the Gulf of Alaska (Figure 1). Auke Bay contains several small islands and reefs within the 11 square kilometer (km^2) (4.25 square mile (mi^2)) embayment. While most of the bay is relatively shallow, reaching depths of 40 to 60 meters (m) (131 to 197 feet (ft)), depths of more than 100 m (328 ft) are found near Coghland Island (see Figure 1–2 in the IHA application). Pile installation and removal at the ferry terminal will occur in waters ranging in depth from less than 1 m (3.3 ft) near shore to approximately 11 m (35 ft).

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Figure 1. Project Location in Southeast Alaska.

BILLING CODE 3510–22–C

Detailed Description of Specific Activity

The project will involve the removal and replacement of four existing 5-pile dolphins and a single 1-pile dolphin with three 4-pile dolphins and two 3-pile dolphins. A total of 21 steel pipe piles will be removed and 18 steel pipe piles will be installed (Table 1). Piles range in size from 20 to 30-inch diameter. Eight piles will be installed vertically (plumb) and 10 will be installed at an angle (battered). Piles will be advanced to refusal using a vibratory hammer and the final approximately 10 ft will be driven using an impact hammer so that the structural capacity of the pile embedment can be verified. The pile installation methods used will depend on sediment depth and conditions at each pile location. ADOT&PF estimates that one to three piles could be installed per day. To account for inefficiencies and delays, ADOT&PF estimated a mean installation and removal rate of 1.5 piles per day.

TABLE 1—NUMBERS AND TYPES OF PILES TO BE INSTALLED AND REMOVED

Steel pipe pile size and driving method	Number of piles	Strikes per pile (impact driving)	Duration per pile (minutes) (vibratory driving)	Piles per day (range)	Days of activity
Pile installation					
30-inch vibratory	12	N/A	45	1.5 (1–3)	8
24-inch vibratory	6	N/A	45	1.5 (1–3)	4
30-inch impact	12	400	N/A	1.5 (1–3)	8
24-inch impact	6	400	N/A	1.5 (1–3)	4
Pile removal					
30-inch vibratory	1	N/A	30	1.5	1
24-inch vibratory	12	N/A	30	1.5	8
20-inch vibratory	8	N/A	30	1.5	6
Total piles	39	.....	.....	Total days	27

Above-water work associated with the project will consist of the installation of two shore anchor struts above the high tide line. Additionally, there will be some improvement and retrofitting to the dock-attached stern fenders. New catwalks will be installed for pedestrian access to four dolphins while existing catwalks and gangways will be re-used for pedestrian access to another dolphin. Existing utilities, including electrical and sewer, will be replaced and improved. No in-water noise is anticipated in association with above-water and upland construction activities. Airborne sound is only expected to impact pinnipeds that are hauled out in the area where sound levels exceed in-air harassment thresholds. No pinniped haulouts exist in the project area and no harassment from airborne sound is expected to result from project activities. Therefore, above-water construction will not be discussed further in this document.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see *Proposed Mitigation* and *Proposed Monitoring and Reporting*).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)* and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species).*

Table 2 lists all species with expected potential for occurrence in Auke Bay and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Alaska and U.S. Pacific SARs. All values presented in Table 2 are the most recent available at the time of publication and are available in the 2017 SARs (Muto *et al.,* 2018; Caretta *et al.,* 2018) and draft 2018 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 2—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray whale	Eschrichtius robustus	Eastern North Pacific	-/-; N	26,960 (0.05, 25,849, 2016) ..	801	138
Family Balaenopteridae (rorquals):						
Humpback whale	Megaptera novaeangliae	Central North Pacific	-/-; Y	10,103 (0.3, 7,890, 2006)	83	25
Minke whale	Balaenoptera acutorostrada	Alaska	-/-; N	N/A (see SAR, N/A, see SAR)	UND	0

TABLE 2—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Fin whale	Balaenoptera physalus	Northeast Pacific	E/D; Y	see SAR (see SAR, see SAR, 2013).	5.1	0.6
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer whale	Orcinus orca	Alaska Resident	-/-; N	2,347 (N/A, 2347, 2012)	24	1
Killer whale	Orcinus orca	Northern Resident	-/-; N	261 (N/A, 261, 2011)	1.96	0
Killer whale	Orcinus orca	West Coast Transient	-/-; N	243 (N/A, 243, 2009)	2.4	0
Family Phocoenidae (porpoises):						
Harbor porpoise	Phocoena phocoena	Southeast Alaska	-/-; Y	975 (0.10; 896; 2012)	8.9	34
Dall's porpoise	Phocoenoides dalli	Alaska	-/-; N	83,400 (0.097, N/A, 1991)	UND	38
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Steller sea lion	Eumetopias jubatus	Eastern DPS	E/D; Y	54,267 (see SAR, 54,267, 2017).	326	252
Steller sea lion	Eumetopias jubatus	Western DPS	-/-; N	41,638 (see SAR, 41,638, 2015).	2,498	108
Family Phocidae (earless seals):						
Harbor seal	Phoca vitulina	Lynn Canal/Stephens Passage.	-/-; N	9,478 (see SAR, 8,605, 2011)	155	50

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/*. CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

Note—*Italicized species are not expected to be taken or proposed for authorization.*

All species that could potentially occur in the proposed survey areas are included in Table 2. However, the spatial and temporal occurrence of gray whales and fin whales in the area is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. Sightings of gray whales and fin whales are uncommon in the inland waters of southeast Alaska. These species are typically seen closer to the open waters of the Gulf of Alaska. Additionally, the timing of the project (November through April) coincides with the period when these species are expected to be further south in their respective breeding areas. Take of gray whales and fin whales has not been requested nor is proposed to be authorized and these species are not considered further in this document.

Steller Sea Lion

Steller sea lions are found throughout the northern Pacific Ocean, including coastal and inland waters from Russia (Kuril Islands and the Sea of Okhotsk), east to Alaska, and south to California. Steller sea lions were listed as threatened range-wide under the ESA on November 26, 1990 (55 FR 49204) but were subsequently partitioned into the eastern and western Distinct Population Segments (eDPS and wDPS, respectively). The eDPS remained classified as threatened (62 FR 24345; May 5, 1997) until it was delisted in 2013 (78 FR 66139; November 4, 2013). The wDPS (those individuals west of 144° W longitude, or Cape Suckling, AK) was upgraded to endangered status following separation of the stocks, and it remains listed as endangered.

Steller sea lions in southeast Alaska are overwhelmingly part of the eDPS; however, NMFS (2013) reports that an average of 917 individuals from the wDPS move into southeast Alaska annually. Within southeast Alaska, abundance of wDPS individuals is higher to the north and west, and lower toward the south and east. Cape Ommaney and Frederick Sound are considered the southern limit of the range for wDPS animals. While it is not currently possible to estimate the number of wDPS animals that are present east of the 144° W longitude boundary at any time, it is assumed that approximately 3.5 percent of Steller sea lions present in southeast Alaska are from the wDPS (NMFS 2013), though their estimated abundance and distribution throughout southeast Alaska vary greatly by location. No wDPS Steller sea lions have been documented in Auke Bay. Only three branded wDPS individuals have been observed at Benjamin Island, a haulout located approximately 23 km (14.3 mi) north-northwest of Auke Bay, and these observations occurred more than ten years ago. Surveys conducted by the Alaska Department of Fish and Game did not record any branded wDPS individuals at Benjamin Island. Although it is unlikely that individuals from the wDPS will be harassed by project activities, it is possible. Using branded animal ratios, a conservative estimate of 1.6 percent eDPS individuals may occur at the Gran Point haulout near Haines, AK based on personal communication the applicant had with the Alaska Regional Office. Recent IHAs for construction at the Haines Ferry Terminal (83 FR 5063; February 5, 2018) and the Statter Harbor Improvement Project (83 FR 52394; October 17, 2018) conservatively assumed that two percent of Steller sea lions observed in these locations are members of the wDPS.

Steller sea lions are opportunistic predators, feeding primarily on a wide variety of fishes and cephalopods,

including Pacific herring (*Clupea pallasi*), walleye pollock (*Gadus chalogramma*), capelin (*Mallotus villosus*), Pacific sand lance (*Ammodytes hexapterus*), Pacific cod (*Gadus machrocephalus*), salmon (*Oncorhynchus* spp.), and squid (*Teuthida* spp.) (Jefferson *et al.,* 2008; Wynne *et al.,* 2011). Steller sea lions do not generally eat every day, but tend to forage every one to two days and return to haulouts to rest between foraging trips (Merrick and Loughlin 1997; Rehberg *et al.,* 2009). Most individuals that frequent Auke Bay haul out at Benjamin Island in Lynn Canal, but several other haulouts are located within 20 to 30 km (12 to 19 mi) of the project area.

The action area is not located in or near designated critical habitat for the wDPS of Steller sea lions. In southeast Alaska, critical habitat for the wDPS includes a terrestrial zone, an aquatic zone, and an in-air zone that extends 3,000 ft (0.9 km) landward, seaward, and above, respectively, any designated major rookery and major haulout. The nearest designated major haulout is located at Benjamin Island.

Harbor Seal

Harbor seals range from Baja California north along the west coasts of California, Oregon, Washington, British Columbia, and southeast Alaska; west through the Gulf of Alaska, Prince William Sound, and the Aleutian Islands; and north in the Bering Sea to Cape Newenham and the Pribilof Islands. Harbor seals occur year-round in the inside passages of southeast Alaska and are regularly sighted in Auke Bay, including Statter Harbor. Groups ranging from 10 to 52 seals may be present in Auke Bay, hauled out on the western side of Coghlan Island and on Battleship Island.

Harbor seals forage on fish and invertebrates, including capelin, eulachon (*Thaleichthys pacificus*), cod, Pollock, flatfish, shrimp, octopus, and squid (Wynne 2012). They are opportunistic feeders that forage in marine, estuarine, freshwater habitats, adjusting their foraging behavior to take advantage of prey that are seasonally and locally abundant (Payne and Selzer 1989). Depending on prey availability, harbor seals conduct both shallow and deep dives while foraging (Tollit *et al.,* 1997). Harbor seals usually give birth to a single pup between May and mid-July. Birthing locations are dispersed over several haulout sites and are not confined to major rookeries (Klinkhart *et al.,* 2008).

Harbor Porpoise

The Southeast Alaska stock of harbor porpoises ranges from Cape Suckling to the Canada border (Muto *et al.,* 2018). Harbor porpoises frequent primarily coastal waters in southeast Alaska (Dalheim *et al.,* 2009) and occur most frequently in waters less than 100 m (328 ft) deep (Hobbs and Waite 2010). Harbor porpoises forage in waters less than 200 m (656 ft) deep on small pelagic schooling fish such as herring, cod, pollock, octopus, smelt, and bottom-dwelling fish, occasionally feeding on squid and crustaceans (Bjørge and Tolley 2009; Wynne *et al.,* 2011). Calving generally occurs from May to August, but can vary by region.

Dall's Porpoise

Dall's porpoises are found throughout the north Pacific, from southern Japan to southern California and north to the Bering Sea. Dall's porpoises can be found in offshore, inshore, and nearshore habitat, but prefers waters more than 183 m (600 ft) deep (Dahlheim *et al.,* 2009; Jefferson 2009). Waters over 183 m (600 ft) do not occur in Auke Bay but Dall's porpoises have been consistently observed in Lynn Canal, Stephens Passage, upper Chatham Strait, Frederick Sound, and Clarence Strait (Dahlheim *et al.,* 2000). Dall's porpoises may migrate between inshore and offshore areas and make latitudinal movements or short seasonal migrations, but these movements are generally not consistent (Jefferson 2009). If Dall's porpoises were to occur in Auke Bay, they would likely be present in March or April, given seasonal patterns observed in nearby areas of southeast Alaska (Dahlheim *et al.,* 2009). Dall's porpoises often bow-ride with vessels and may occur in Auke Bay incidentally a few times per year.

Dall's porpoises generally occur in groups of 2 to 20 individuals, but have also been recorded in groups numbering in the hundreds. Common prey include a variety of small, schooling fishes (such as herring and mackerels) and cephalopods.

Killer Whale

Killer whales have been observed in all oceans, but the highest densities occur in colder and more productive waters found at high latitudes (NMFS 2016a). Killer whales occur along the entire Alaska coast, in British Columbia and Washington inland waterways, and along the outer coasts of Washington, Oregon, and California (NMFS 2016a). There are three distinct ecotypes, or forms, of killer whales recognized in the north Pacific: Resident, transient, and offshore. The three ecotypes differ morphologically, ecologically, behaviorally, and genetically. Eight stocks of killer whales are recognized within the Pacific U.S. Exclusive Economic Zone. Of those, the Alaska Resident stock, Northern Resident stock, and West Coast Transient stock may occur in the project area (Muto *et al.,* 2018).

The Alaska Resident stock occurs from southeast Alaska to the Aleutian Islands and Bering Sea. Photo-identification studies between 2005 and 2009 identified 2,347 individuals in this stock, including approximately 121 in southeast Alaska (Muto *et al.,* 2018). The Northern Resident stock occurs from Washington north through part of southeast Alaska and consists of 261 individuals (Muto *et al.,* 2018). The West Coast Transient stock occurs from California north through southeast Alaska. Between 1975 and 2012, surveys identified 521 individual West Coast Transient killer whales but the minimum population estimate for the stock is 243 individuals (Muto *et al.,* 2018). Dahlheim *et al.,* (2009) noted a 5.2 percent annual decline in transient killer whales observed in southeast Alaska between 1991 and 2007.

No systematic studies of killer whales have been conducted in or around Auke Bay. Killer whales were observed infrequently (on 11 of 135 days) during monitoring in Hoonah, and most were recorded in deeper, offshore waters (Berger ABAM 2016). Both resident and transient killer whales were observed in southeast Alaska during all seasons during surveys between 1991 and 2007, in a variety of habitats and in all major waterways, including Lynn Canal, Icy Strait, Stephens Passage, Frederick Sound, and upper Chatham Strait (Dahlheim *et al.,* 2009). There does not appear to be strong seasonal variation in abundance or distribution of killer whales, but Dahlheim *et al.,* (2009) observed substantial variability between years during the study.

Transient killer whales hunt and feed primarily on marine mammals, including harbor seals, Dall's porpoises, harbor porpoises, and sea lions. Resident killer whale populations in the eastern north Pacific feed mainly on salmonids, showing a strong preference for Chinook salmon (NMFS 2016a). Transient killer whales are often found in long-term stable social units (pods) of 1 to 16 whales. Pod sizes in southeast Alaska vary by season, averaging 6 animals in spring, 5 in summer, and 4 in fall. Group sizes of transient whales are generally smaller than those of resident killer whales. Resident killer whales occur in pods ranging from

seven to 70 whales that are seen in association with one another more than 50 percent of the time (Dahlheim *et al.,* 2009; NMFS 2016b).

Humpback Whale

Humpback whales in the project area are from the Central North Pacific stock but may be of the Hawaii or Mexico DPS. The population of the Hawaii DPS is currently estimated at 11,398 individuals (95% confidence interval (CI) = 10,503 − 12,370) and the Mexico DPS is estimated at 3,264 individuals (95% CI = 2,912 − 3,659). The population of humpback whales from both the Hawaii and Mexico DPSs that are found in the summer feeding grounds of southeast Alaska is approximately 6,137 individuals (95% CI = 5,352 − 7,038) (Wade *et al.,* 2016). Humpback whales found in the project area are predominantly members of the Hawaii DPS, which is not listed under the ESA. However, based on a comprehensive photo-identification study, members of the Mexico DPS, which is listed as threatened, are known to occur in southeast Alaska. Approximately 6.1 percent (fewer than one in every 16) of all humpback whales in southeast Alaska and northern British Columbia are members of the Mexico DPS, while all others are assumed to be members of the Hawaii DPS (Wade *et al.,* 2016).

Humpback whales migrate to southeast Alaska in spring to feed after months of fasting in equatorial breeding grounds in Hawaii and Mexico. Peak abundance of humpback whales in southeast Alaska typically occurs during late summer to early fall. Most humpback whales begin returning to southern breeding grounds in fall or winter. However, due to temporal overlap between whales departing and returning, humpbacks can be found in Alaskan feeding grounds in every month of the year (Baker *et al.,* 1985; Straley 1990; Wynne and Witteveen 2009). It is also common for some humpback whales to overwinter in areas of southeast Alaska. It is thought that those humpbacks that remain in southeast Alaska do so in response to the availability of winter schools of fish, such as herring (Straley 1990).

The waters of southeast Alaska (including Auke Bay) are considered a biologically important area for feeding humpback whales between March and November (Ferguson *et al.,* 2015). In Alaska, humpback whales filter feed on small crustaceans, plankton, and small fish such as walleye pollock, Pacific sand lance, herring, eulachon, and capelin (Witteveen *et al.,* 2012). It is common to observe groups of humpback whales cooperatively bubble feeding.

Humpback whales' utilization of Auke Bay is intermittent and irregular year-round. Recent anecdotal accounts by the Juneau Deputy Harbormaster indicate that humpback whale abundance in Auke Bay has been lower over the last 18 months than in past years (Creswell, M., pers. comm.). Specific micro-habitat features of Auke Bay attract forage fish, specifically herring, and are frequented by humpback whales. Although abundance is generally higher in the summer months, the presence of prey fish is a greater determinant of the presence of humpback whales than season. Teerlink (2017) identified 179 individual humpback whales in the Juneau area based on fluke identification.

Minke Whale

Minke whales are found throughout the northern hemisphere in polar, temperate, and tropical waters (Jefferson *et al.,* 2008). The International Whaling Commission has identified three minke whale stocks in the North Pacific: One near the Sea of Japan, a second in the rest of the western Pacific (west of 180° W), and a third, less concentrated stock throughout the eastern Pacific. NMFS further splits this third stock between Alaska whales and resident whales of California, Oregon, and Washington (Muto *et al.,* 2018). Minke whales are found in all Alaska waters though there are no population estimates for minke whales in southeast Alaska.

In Alaska, minke whales feed primarily on euphausiids and walleye pollock. Minke whales are generally found in shallow, coastal waters within 200 m (656 ft) of shore (Zerbini *et al.,* 2006). No information appears to be available on the winter occurrence of minke whales in southeast Alaska. Anecdotal observations suggest that minke whales do not enter Auke Bay, and so are expected to rarely occur in the project area.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.

TABLE 3—MARINE MAMMAL HEARING GROUPS—Continued

[NMFS, 2018]

Hearing group	Generalized hearing range *
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall et al. 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Seven marine mammal species (five cetacean and two pinniped (one otariid and one phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, two are classified as low-frequency cetaceans (*i.e.,* all mysticete species), one is classified as mid-frequency cetacean (*i.e.,* all delphinid and ziphiid species and the sperm whale), and two are classified as high-frequency cetaceans (*i.e.,* harbor porpoise and Kogia spp.).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The *Estimated Take by Incidental Harassment* section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The *Negligible Impact Analysis and Determination* section considers the content of this section, the *Estimated Take by Incidental Harassment* section, and the *Proposed Mitigation* section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far. The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving, vibratory pile driving, and vibratory pile removal. The sounds produced by these activities fall into one of two general sound types: Impulsive and non-impulsive. Impulsive sounds (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI 1986; NIOSH 1998; ANSI 2005; NMFS 2018). Non-impulsive sounds (*e.g.* aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with raid rise/decay time that impulsive sounds do (ANSI 1995; NIOSH 1998; NMFS 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward 1997 in Southall *et al.* 2007).

Two types of pile hammers would be used on this project: Impact and vibratory. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards 2002; Carlson *et al.* 2005).

The likely or possible impacts of ADOT&PF's proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature. Acoustic stressors include effects of heavy equipment operation during pile installation and removal.

Acoustic Impacts

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal is the primary means by which marine mammals may be harassed from ADOT&PF's specified activity. In general, animals exposed to

natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.* 2007). In general, exposure to pile driving and drilling noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). Exposure to anthropogenic noise can also lead to non-observable physiological responses such an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of pile driving and drilling noise on marine mammals are dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), the species, age and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.* 2004; Southall *et al.* 2007). Here we discuss physical auditory effects (threshold shifts) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how animal uses sound within the frequency band of the signal; *e.g.,* Kastelein *et al.* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Permanent Threshold Shift (PTS)—NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). Available data from humans and other terrestrial mammals indicate that a 40 dB threshold shift approximates PTS onset (see Ward *et al.* 1958, 1959; Ward 1960; Kryter *et al.* 1966; Miller 1974; Ahroon *et al.* 1996; Henderson *et al.* 2008). PTS levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.* 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS 2018).

Temporary Threshold Shift (TTS)—A temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). Based on data from cetacean TTS measurements (see Southall *et al.* 2007), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.* 2000; Finneran *et al.* 2000, 2002). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher higher SEL_{cum}, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*)) and five species of pinnipeds exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (Finneran 2015). TTS was not observed in trained spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.* 2016). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. No data are available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), Finneran (2015), and Table 5 in NMFS (2018). Installing piles requires a combination of impact pile driving and vibratory pile driving. For the project, these activities would not occur at the same time and there would likely be pauses in activities producing the sound during each day. Given these pauses and that many marine mammals are likely moving through the action area and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from pile driving and removal also has the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder 2007; Weilgart 2007; NRC 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.* 1995; Wartzok *et al.* 2003; Southall *et al.* 2007; Weilgart 2007; Archer *et al.* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.* 2001; Nowacek *et al.* 2004; Madsen *et al.* 2006; Yazvenko *et al.* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

In 2016, ADOT&PF documented observations of marine mammals during construction activities (*i.e.,* pile driving and down-hole drilling) at the Kodiak Ferry Dock (see 80 FR 60636 for Final IHA **Federal Register** notice). In the marine mammal monitoring report for that project (ABR 2016), 1,281 Steller sea lions were observed within the behavioral disturbance zone during pile driving or drilling (*i.e.,* documented as Level B harassment take). Of these, 19 individuals demonstrated an alert behavior, 7 were fleeing, and 19 swam away from the project site. All other animals were engaged in activities such as milling, foraging, or fighting and did not change their behavior. In addition, two sea lions approached within 20 meters of active vibratory pile driving activities. Three harbor seals were observed within the disturbance zone during pile driving activities; none of them displayed disturbance behaviors. Fifteen killer whales and three harbor porpoise were also observed within the Level B harassment zone during pile driving. The killer whales were travelling or milling while all harbor porpoises were travelling. No signs of disturbance were noted for either of these species. Given the similarities in activities and habitat and the fact the same species are involved, we expect similar behavioral responses of marine mammals to the specified activity. That is, disturbance, if any, is likely to be temporary and localized (*e.g.,* small area movements). Monitoring reports from other recent pile driving projects have observed similar behaviors.

Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. Auke Bay is home to a busy ferry terminal as well as moorage for small private vessels that transit the area on a regular basis; therefore, background sound levels in the harbor are already elevated.

Airborne Acoustic Effects—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving and removal that have the potential to cause behavioral harassment, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels exceeding the acoustic thresholds. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Marine Mammal Habitat Effects

ADOT&PF's construction activities could have localized, temporary impacts on marine mammal habitat by

increasing in-water sound pressure levels and slightly decreasing water quality. Construction activities are of short duration and would likely have temporary impacts on marine mammal habitat through increases in underwater sound. Increased noise levels may affect acoustic habitat (see masking discussion above) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During impact pile driving, elevated levels of underwater noise would ensonify the bay where both fish and mammals may occur and could affect foraging success.

In-water pile driving and pile removal would also cause short-term effects on water quality due to increased turbidity. Local currents are anticipated to disburse suspended sediments produced by project activities at moderate to rapid rates depending on tidal stage. ADOT&PF would employ standard construction best management practices, thereby reducing any impacts. Considering the nature and duration of the effects, combined with the measures to reduce turbidity, the impact from increased turbidity levels is expected to be discountable.

In-Water Construction Effects on Potential Foraging Habitat

The area likely impacted by the project is relatively small compared to the available habitat in the surrounding waters of Lynn Canal. Although Auke Bay is included in the designated Biologically Important Area for feeding humpback whales (Ferguson *et al.,* 2015), the timing of the BIA (March through November) only overlaps with the timing of the in-water construction (November through April) for two months. Additionally, humpback foraging efforts within Auke Bay itself are intermittent and irregular across seasons. Pile installation and removal may temporarily increase turbidity resulting from suspended sediments. Any increases would be temporary, localized, and minimal. ADOT&PF must comply with state water quality standards during these operations by limiting the extent of turbidity to the immediate project area. In general, turbidity associated with pile installation is localized to about a 25-foot radius around the pile (Everitt *et al.* 1980). Cetaceans are not expected to enter the harbor and be close enough to the project pile driving areas to experience effects of turbidity, and any pinnipeds would likely be transiting the area and could avoid localized areas of turbidity. Therefore, the impact from increased turbidity levels is expected to be discountable to marine mammals. Furthermore, pile driving and removal at the project site would not obstruct movements or migration of marine mammals.

Avoidance by potential prey (*i.e.,* fish) of the immediate area due to the temporary loss of this foraging habitat is also possible. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity in Lynn Canal.

The duration of the construction activities is relatively short, with pile driving and removal activities expected to take only 27 days. Each day, construction would occur for only a few hours during the day. Impacts to habitat and prey are expected to be temporary and minimal based on the short duration of activities.

In-Water Construction Effects on Potential Prey (Fish)

Construction activities would produce continuous (*i.e.,* vibratory pile driving) and pulsed (*i.e.* impact driving) sounds. Fish react to sounds that are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan 2001, 2002; Popper and Hastings 2009). Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.* 1992; Skalski *et al.* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality.

The most likely impact to fish from pile driving and drilling activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. In general, impacts to marine mammal prey species are expected to be minor and temporary due to the short timeframe for the project.

Construction activities, in the form of increased turbidity, have the potential to adversely affect fish in the project area. Increased turbidity is expected to occur in the immediate vicinity (on the order of 10 feet or less) of construction activities. However, suspended sediments and particulates are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates any effects on fish are expected to be minor or negligible. In addition, best management practices would be in effect, which would limit the extent of turbidity to the immediate project area.

In summary, given the short daily duration of sound associated with individual pile driving and drilling events and the relatively small areas being affected, pile driving activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the vibratory and impact pile hammers has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency species and phocids because predicted auditory injury zones are larger than for other hearing groups. Auditory injury is unlikely to occur for other groups. The proposed mitigation

and monitoring measures are expected to minimize the severity of such taking to the extent practicable.

As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 microPascal (μPa) (root mean square (rms)) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

ADOT&PF's proposed activity includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 μPa (rms) thresholds are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). ADOT&PF's proposed activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving and removal) sources.

These thresholds are provided in the Table 4. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat:}$ 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving and removal). The maximum (underwater) area ensonified above the thresholds for behavioral harassment referenced above is 22.5 km^2 (8.69 mi^2), and is governed by the topography of Auke Bay and the various islands located within and around the bay. The eastern part of Auke Bay is acoustically shadowed by Auke Cape, while Portland Island, Coghlan Island, Suedla Island, and Spuhn Island would inhibit sound transmission from reaching the more open waters toward Mansfield Peninsula (see Figure 6–2 in the IHA application). Additionally,

vessel traffic and other commercial and industrial activities in the project area may contribute to elevated background noise levels which may mask sounds produced by the project.

The project includes vibratory and impact pile installation of steel pipe piles and vibratory removal of steel pipe piles. Source levels of pile installation and removal activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature, including past pile driving activities in Auke Bay. Source levels for each pile size and driving method are presented in Table 5. The source level for vibratory installation of 24-inch piles and vibratory removal of 24-inch and 20-inch piles are from measurements of 24-inch steel piles driven at Navy installations in Puget Sound, Washington (United States Navy 2015). As there are no measurements of source levels for these pile types in Alaska, we use the Navy's source levels as a proxy. The vibratory and impact source levels for 30-inch pile installation is from pile driving activities at the Auke Bay ferry terminal in November 2015 (Denes *et al.,* 2016). The source level for impact installation of 24-inch piles is based on the averaged source level of the same type of pile reported by California Department of Transportation (Caltrans) in a pile driving source level compendium document (Caltrans 2015). Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 5—SOUND SOURCE LEVELS FOR PILE SIZES AND DRIVING METHODS

Pile size	Method	Source level			Literature source
		dB RMS	dB SEL [a]	dB peak	
20-inch	vibratory	[b] 161	N/A	N/A	Navy 2015.
24-inch	vibratory	161	N/A	N/A	Navy 2015.
24-inch	impact	190	177	203	Caltrans 2015.
30-inch	vibratory	168	N/A	N/A	Denes *et al.* 2016.
30-inch	impact	191	177	206	Denes *et al.* 2016.

[a] Sound exposure level (dB re 1 μPa²-sec).
[b] Source level data for 20-inch piles are not available. Source levels for 20-inch piles are conservatively assumed to be the same as 24-inch piles.

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$TL = B * Log_{10} (R_1/R_2)$,

where
TL = transmission loss in dB
B = transmission loss coefficient
R_1 = the distance of the modeled SPL from the driven pile, and
R_2 = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured transmission loss, a practical spreading value of 15 is used as the transmission loss coefficient in the above formula. For vibratory and impact pile driving of 30-inch piles at the Auke Bay ferry terminal, Denes *et al.,* (2016) measured transmission loss that differed slightly from the standard practical value of 15. The transmission loss coefficient for vibratory driving of 30-inch piles was determined to be 16.4 while the coefficient for impact driving of 30-inch piles was determined to be 14.6. These transmission loss coefficients were used to calculate the Level A and Level B harassment zones for 30-inch piles. Site-specific transmission loss data for 20- and 24-inch piles are not available, therefore the default coefficient of 15 is used for these pile sizes to determine the distances to the Level A and Level B harassment thresholds.

TABLE 6—PILE DRIVING SOURCE LEVELS AND DISTANCES TO LEVEL B HARASSMENT THRESHOLDS

Pile size and method	Source level at 10 m (dB re 1 μPa rms)	Level B threshold (dB re 1 μPa rms)	Propagation (xLogR)	Distance to Level B threshold (m)	Level B harassment ensonified area (km^2)
20-inch vibratory	161	120	15	5,412	15.3
24-inch vibratory	161	120	15	5,412	15.3
24-inch impact	190	160	15	1,000	1.5
30-inch vibratory	168	120	16.4	8,449	22.5
30-inch impact	191	160	14.6	1,328	2.3

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources (such as pile drivers), NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole

duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet (Table 7), and the resulting isopleths are reported below (Table 8).

TABLE 7—USER SPREADSHEET INPUT PARAMETERS USED FOR CALCULATING LEVEL A HARASSMENT ISOPLETHS

Pile size and installation method	Spreadsheet tab used	Weighting factor adjustment (kHz)	Source level at 10 m	Propagation (xLogR)	Number of strikes per pile	Number of piles per day	Activity duration (seconds)
20-inch and 24-inch Vibratory Removal.	(A.1) Vibratory pile driving	2.5	161 dB rms	15LogR		3	5,400
30-inch Vibratory Removal	(A.1) Vibratory pile driving	2.5	168 dB rms	16.4LogR		3	5,400
24-inch Vibratory Installation	(A.1) Vibratory pile driving	2.5	161 dB rms	15LogR		3	8,100
30-inch Vibratory Installation	(A.1) Vibratory pile driving	2.5	168 dB rms	16.4LogR		3	8,100
24-inch Impact Installation	(E.1) Impact pile driving	2	177 dB SEL	15LogR	400	[a] 1–3	
30-inch Impact Installation	(E.1) Impact pile driving	2	177 dB SEL	14.6LogR	400	[a] 1–3	

[a] To account for potential variations in daily productivity during impact installation, isopleths were calculated for different numbers of piles that could be installed per day (Table 1).

TABLE 8—CALCULATED DISTANCES TO LEVEL A HARASSMENT ISOPLETHS

Activity	Level A harassment zone (m)				
	LF-cetaceans	MF-cetaceans	HF-cetaceans	Phocids	Otariids
20-inch and 24-inch Vibratory Removal	9	1	14	6	1
30-inch Vibratory Removal	25	3	25	16	2
24-inch Vibratory Installation	12	1	18	8	1
30-inch Vibratory Installation	31	4	45	20	2
24-inch Impact Installation (3 piles per day)	449	16	535	241	18
24-inch Impact Installation (2 piles per day)	343	13	409	184	14
24-inch Impact Installation (1 pile per day)	216	8	258	116	9
30-inch Impact Installation (3 piles per day)	499	17	597	263	18
30-inch Impact Installation (2 piles per day)	378	13	452	199	14
30-inch Impact Installation (1 pile per day)	235	8	281	124	9

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals and describe how it is brought together with the information above to produce a quantitative take estimate. When available, peer-reviewed scientific publications were used to estimate marine mammal abundance in the project area. However, scientific surveys and resulting data such as population estimates, densities, and other quantitative information are lacking for most marine mammal populations and most areas of southeast Alaska, including Auke Bay. Therefore, AKDOT&PF gathered qualitative information from discussions with knowledgeable local people in the Auke Bay area, including biologists, the harbormaster, a tour operator, and other individuals familiar with marine mammals in the Auke Bay area.

Here we describe how the information provided above is brought together to produce a quantitative take estimate. Because reliable densities are not available, the applicant requests take based on the maximum number of animals that may occur in the harbor per day multiplied by the number of days of the activity.

Steller Sea Lion

Steller sea lions are common within Auke Bay but generally only occur in the area during winter. Most individuals that frequent Auke Bay haul out at Benjamin Island in Lynn Canal. The Auke Bay boating community observes Steller sea lions transiting between Auke Bay and Benjamin Island regularly during winter. Steller sea lions are not known to haul out on any beaches or structures within Auke Bay, but animals have been observed foraging within Auke Bay, and may rest in large raft groups in the water. Groups as large as 121 individuals have been observed in Auke Bay (Ridgway pers. observ.).

ADOT&PF estimates that one large group (121 individuals) may be exposed to project-related underwater noise daily on 27 days of pile installation and removal activities, for a total of 3,267 exposures. As stated above, only two percent of Steller sea lions present in Auke Bay are expected to belong to the wDPS, for a total of 66 exposures of wDPS Steller sea lions and 3,201 exposures of eDPS Steller sea lions.

The largest Level A harassment zone for otariid pinnipeds extends 18 m from the source (Table 7). ADOT&PF is planning to implement a minimum 20 m shutdown zone during all pile installation and removal activities (see *Proposed Mitigation* section), which is expected to eliminate the potential for Level A take of Steller sea lions. Therefore, no takes of Steller sea lions by Level A harassment were requested or are proposed to be authorized.

Harbor Seal

Harbor seals are commonly sighted in the waters of the inside passages throughout southeast Alaska. Seals occur year-round within the project area and are regularly sighted in Auke Bay, including Statter Harbor. NOAA aerial survey data indicate that groups ranging from 10 to 52 seals could be present within the project area during summer at haulouts on the western side of Coghlan Island, as well as on Battleship Island (Ridgway unpubl. data).

Harbor seals are known to haul out within the Level B harassment zones and may be exposed to noise levels in excess of the Level B harassment thresholds upon entering the water. ADOT&PF estimates up to 52 harbor seals could be exposed to elevated sound levels on each day of pile driving, for a total of 1,404 exposures.

The largest Level A harassment zone for phocid pinnipeds results from impact pile driving of 30-inch piles and extends 263 m from the source (Table 7). There are no haulouts located within

the Level A harassment zone and although it is unlikely that harbor seals will enter this area without detection while pile driving activities are underway, it is possible that harbor seals may approach and enter the Level A harassment zone undetected. ADOT&PF estimated that up to 11 harbor seals may approach the site within 263 m of the source each day. Impact pile driving may occur on up to 12 days (Table 1). For this reason, ADOT&PF has requested Level A take of 11 harbor seals daily on the 12 days of impact pile driving for a total of 132 takes by Level A harassment. The largest Level A harassment zone for phocid pinnipeds from vibratory pile driving extends 20 m from the source (Table 7). ADOT&PF is planning to implement a minimum 20 m shutdown zone during all pile installation and removal activities (see *Proposed Mitigation* section), which is expected to eliminate the potential for Level A harassment of harbor seals from vibratory pile driving.

Harbor Porpoise

Although there have been no systematic studies or observations of harbor porpoises specific to Auke Bay, there is the potential for them to occur within the project area. Abundance data for harbor porpoises in southeast Alaska were collected during 18 seasonal surveys spanning 22 years, from 1991 to 2012. During that study, a total of 398 harbor porpoises were observed in the northern inland waters of southeast Alaska, including Lynn Canal (Dahlheim *et al.,* 2015). Mean group size of harbor porpoises in southeast Alaska varies by season. In the fall, mean group size was determined to be 1.88 harbor porpoises (Dahlheim *et al.,* 2009). ADOT&PF has conservatively assumed that one pair of harbor porpoises may be present in Auke Bay per day.

One pair of harbor porpoises per day could enter the Level B harassment zone for a total of 54 exposures. The largest Level A harassment zone results from impact driving of 30-inch piles, and extends 597 m from the source (Table 7). Impact pile driving may occur on up to 12 days (Table 1). ADOT&PF will implement a shutdown zone for harbor porpoises that encompasses the largest Level A harassment zone (see *Proposed Mitigation* section). However, harbor porpoises are known to be an inconspicuous species and are challenging for protected species observers (PSOs) to sight, making any approach to a specific area potentially difficult to detect. Because harbor porpoises move quickly and elusively, it is possible that they may enter the Level A harassment zone without detection. ADOT&PF has estimated that one pair of harbor porpoises may enter the Level A harassment zone every other day over the 12 days of impact pile driving, which is used to conservatively predict a total of 12 exposures to Level A harassment. The largest Level A harassment zone for high-frequency cetaceans from vibratory pile driving is 45 m. ADOT&PF is planning to implement a minimum 50 m shutdown zone for all cetacean species during vibratory pile installation and removal activities (see *Proposed Mitigation* section), which is expected to eliminate the potential for Level A harassment of harbor porpoises from vibratory pile driving.

Dall's Porpoise

Dall's porpoises are not expected to occur within Auke Bay because the shallow water habitat of the bay is atypical of areas where Dall's porpoises usually occur. However, Dall's porpoises may opportunistically inhabit nearshore habitat, especially in spring. Therefore, ADOT&PF estimated that one large pod of Dall's porpoise (15 individuals) may occur within the Level B harassment zone once per month in the months of March and April, for a total of 30 takes by Level B harassment.

ADOT&PF will implement shutdown zones for porpoises that encompass the largest Level A harassment zones for each pile driving activity (see *Proposed Mitigation* section). The largest Level A harassment zone for Dall's porpoise extends 597 m from the source during impact installation of 30-inch piles (Table 7). Given the larger group size and more conspicuous rooster-tail generated by swimming Dall's porpoises, which makes them more noticeable than harbor porpoises, PSOs are expected to detect Dall's porpoises prior to them entering the Level A harassment zone. Therefore, takes of Dall's porpoises by Level A harassment have not been requested and are not proposed to be authorized.

Killer Whale

Killer whales are observed occasionally during summer throughout Lynn Canal but their presence in Auke Bay is unlikely. As a precaution, because Level B harassment zones extend beyond the more enclosed waters of Auke Bay, AKDOT&PF has estimated that one pod of killer whales (15 individuals) may enter the Level B harassment zone once over the course of the project for a total of 15 takes by Level B harassment.

ADOT&PF will implement shutdown zones that encompass the largest Level A harassment zones for killer whales during all pile driving activities. Killer whales are generally conspicuous and PSOs are expected to detect killer whales and implement a shutdown before the animals enter the Level A harassment zone. Therefore, takes by Level A harassment have not been requested and are not proposed to be authorized.

Humpback Whale

Use of Auke Bay by humpback whales is intermittent and irregular year-round. During winter, researchers have documented 1 to 19 individual humpback whales per month in waters close to the project area, including Lynn Canal (Moran *et al.,* 2018a; Straley *et al.,* 2018). Group sizes in southeast Alaska generally range from one to four individuals (Dahlheim *et al.,* 2009). Based on observations of humpback whales within Auke Bay during winter, ADOT&PF estimates that one group of up to four individuals may be exposed to project-related underwater sound each day during the 27 days of pile driving activities, for a total of 108 takes by Level B harassment.

The largest Level A harassment zone for humpback whales extends 499 m from the source during impact installation of 30-inch piles (Table 7). Given the irregular and small presence of humpback whales in Auke Bay, along with the fact that PSOs are expected to detect humpback whales before they enter the Level A harassment zone and implement shutdowns to prevent take by Level A harassment, no Level A takes have been requested nor proposed to be authorized.

Minke Whale

Dedicated surveys for cetaceans in southeast Alaska found that minke whales were scattered throughout inland waters from Glacier Bay and Icy Strait to Clarence Strait, with small concentrations near the entrance of Glacier Bay. All sightings were of single minke whales, except for a single sighting of multiple minke whales. Surveys took place in spring, summer, and fall, and minke whales were present in low numbers in all seasons and years (Dahlheim *et al.,* 2009). Anecdotal reports have not included minke whales near Auke Bay. However, minke whales are distributed throughout a wide variety of habitats and have been observed in nearby Glacier Bay, indicating they may potentially occur within the Level B harassment zone. Therefore, ADOT&PF estimates that one minke whale per month may enter the Level B harassment zone over the course of pile driving activities, for a total of six takes by Level B harassment.

The Level A harassment zones for minke whales are the same as for humpback whales, and the shutdown protocols will be the same as well. Therefore, given the low occurrence of minke whales combined with the mitigation, takes by Level A harassment have not been requested and are not proposed to be authorized.

TABLE 9—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Common name	Stock	Stock abundance [a]	Level A	Level B	Total proposed take	Proposed take as percentage of stock
Humpback whale	Central North Pacific	10,103	0	108 [b]	108	1.06
Minke Whale	Alaska	N/A	0	6	6	N/A
Killer whale	Alaska Resident	2,347	0	15	15	0.64 [d]
	Northern Resident	261				5.75 [d]
	West Coast Transient	243				6.17 [d]
Harbor porpoise	Southeast Alaska	975	12	42	54	5.54
Dall's porpoise	Alaska	83,400	0	30	30	<0.1
Steller sea lion	Western U.S	54,267	0	66	66 [c]	0.12
	Eastern U.S	41,638	0	3,201	3,201	7.69
Harbor seal	Lynn Canal/Stephens Passage.	9,478	132	1,272	1,404	14.8

[a] Stock or DPS size is N_{best} according to NMFS 2018 Draft Stock Assessment Reports.
[b] For ESA section 7 consultation purposes, 6.1 percent are designated to the Mexico DPS and the remaining are designated to the Hawaii DPS; therefore, we assigned 7 Level B takes to the Mexico DPS.
[c] Based on the percent of branded animals at Gran Point and in consultation with the Alaska Regional Office, we used a 2 percent distinction factor to determine the number of animals potentially from the western DPS.
[d] These percentages assume all 15 takes may occur to each individual stock, thus the percentage of one or more stocks are likely inflated as the takes would be divided among multiple stocks.

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

In addition to the measures described later in this section, ADOT&PF will employ the following standard mitigation measures:

- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity, and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For in-water heavy machinery work other than pile driving (*e.g.,* standard barges, etc.), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to the pile location; or (2) positioning of the pile on the substrate via a crane (*i.e.,* stabbing the pile);
- Work may only occur during daylight hours, when visual monitoring of marine mammals can be conducted;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal and drilling will shut down immediately if such species are observed within or on a path towards the monitoring zone (*i.e.,* Level B harassment zone); and
- If take reaches the authorized limit for an authorized species, pile installation will be stopped as these species approach the Level B harassment zone to avoid additional take.

The following measures would apply to ADOT&PF's mitigation requirements:

Establishment of Shutdown Zone for Level A Harassment—For all pile driving/removal and drilling activities, ADOT&PF would establish a shutdown zone. The purpose of a shutdown zone is generally to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). These shutdown zones would be used to prevent incidental Level A exposures from impact pile driving for Steller sea lions, Dall's porpoises, killer whales, humpback whales, and minke whales, and to reduce the potential for such take for harbor seals and harbor porpoises. During all pile driving and removal activities, a minimum shutdown zone of 20 m would be enforced (Table 10).

During vibratory pile driving and removal activities, ADOT&PF would enforce a 50 m shutdown zone for all cetacean species (Table 10). Shutdown zones for impact pile driving activities are based on the Level A harassment zones and therefore vary by pile size, number of piles installed per day, and marine mammal hearing group (Table 10). Shutdown zones for impact pile driving will be established each day for the greatest number of piles that are expected to be installed that day. If no marine mammals enter their respective Level A harassment zones during impact installation of the first pile of the day, the shutdown zone for the next pile that same day will be smaller (*e.g.,* the shutdown zone for a three-pile day will be reduced in size to the shutdown zone for a two-pile day for the second pile). Shutdown zones will be further reduced to those for a one-pile day for the third pile of the day, as long as no marine mammals have been exposed to noise levels exceeding the Level A harassment thresholds that day. The placement of Protected Species Observers (PSOs) during all pile driving and drilling activities (described in detail in the *Monitoring and Reporting Section*) will ensure shutdown zones are visible.

TABLE 10—SHUTDOWN ZONES DURING PILE INSTALLATION AND REMOVAL

Activity	Piles per day	Shutdown zone (m)				
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Otariids
All vibratory installation and removal	3	50			20	
30-inch pile impact installation	3	500	20	600	270	20
	2	380		460	200	
	1	250		290	130	
24-inch pile impact installation	3	450		550	250	
	2	350		410	200	
	1	220		260	120	

Establishment of Monitoring Zones for Level B Harassment—ADOT&PF would establish monitoring zones to correlate with Level B disturbance zones or zones of influence which are areas where SPLs are equal to or exceed the 160 dB rms threshold for impact driving and the 120 dB rms threshold during vibratory driving and drilling. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential cease of activity should the animal enter the shutdown zone. The proposed monitoring zones are described in Table 11. Placement of PSOs on the shorelines around Auke Bay allow PSOs to observe marine mammals within and near Auke Bay. Should PSOs determine the monitoring zone cannot be effectively observed in its entirety, Level B harassment exposures will be recorded and extrapolated based upon the number of observed take and the percentage of the Level B zone that was not visible.

TABLE 11—MARINE MAMMAL MONITORING ZONES

Activity	Monitoring zone (m)
20-inch vibratory removal	5,415
24-inch vibratory removal and installation.	
24-inch impact installation	1,000
30-inch vibratory installation	8,450
30-inch impact installation	1,330

Soft Start—The use of soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors would be required to provide an initial set of strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure would be conducted a total of three times before impact pile driving begins. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer. Soft start is not required during vibratory pile driving and removal activities.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal or drilling of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the Level B harassment zone has been observed for 30 minutes and non-permitted species are not present within the zone, soft start procedures can commence and work can continue even if visibility becomes impaired within the Level B monitoring zone. When a marine mammal permitted for Level B take is present in the Level B harassment zone, activities may begin and Level B take will be recorded. As stated above, if the entire Level B zone is not visible at the start of construction, piling or drilling activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of both the Level B and shutdown zone will commence.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing

the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Marine Mammal Visual Monitoring

Monitoring shall be conducted by NMFS-approved observers. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start, and shall include instruction on species identification (sufficient to distinguish the species in the project area), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

Monitoring would be conducted 30 minutes before, during, and 30 minutes after pile driving/removal and drilling activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal and drilling activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

At least two land-based PSOs will be on duty during all pile installation and removal activities. One PSO will be positioned at the ferry terminal to allow full monitoring of the waters within the shutdown zones and the closest waters of the Level B harassment monitoring zones. An additional PSO will be positioned on the shoreline around Auke Bay to observe the larger monitoring zones. Potential PSO locations are shown in Figure 2–2 of ADOT&PF's Marine Mammal Mitigation and Monitoring Plan.

PSOs would scan the waters using binoculars, and/or spotting scopes, and would use a handheld GPS or range-finder device to verify the distance to each sighting from the project site. All PSOs would be trained in marine mammal identification and behaviors and are required to have no other project-related tasks while conducting monitoring. In addition, monitoring will be conducted by qualified observers, who will be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. ADOT&PF would adhere to the following observer qualifications:

(i) Independent observers (*i.e.,* not construction personnel) are required;

(ii) At least one observer must have prior experience working as an observer;

(iii) Other observers may substitute education (degree in biological science or related field) or training for experience; and

(iv) ADOT&PF must submit observer CVs for approval by NMFS.

Additional standard observer qualifications include:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal and drilling activities. It will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Weather parameters (*e.g.,* percent cover, visibility);
- Water conditions (*e.g.,* sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;
- Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Locations of all marine mammal observations; and
- Other human activity in the area.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury, serious injury or mortality,

ADOT&PF would immediately cease the specified activities and report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator. The report would include the following information:

- Description of the incident;
- Environmental conditions (*e.g.,* Beaufort sea state, visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with ADOT&PF to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. ADOT&PF would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

In the event that ADOT&PF discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition as described in the next paragraph), ADOT&PF would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinator. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with ADOT&PF to determine whether modifications in the activities are appropriate.

In the event that ADOT&PF discovers an injured or dead marine mammal and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), ADOT&PF would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinator, within 24 hours of the discovery. ADOT&PF would provide photographs, video footage (if available), or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving/removal and drilling activities associated with the project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving and removal. Potential takes could occur if individuals of these species are present in zones ensonified above the thresholds for Leval A or Level B harassment identified above when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Level A harassment is only anticipated for harbor porpoise and harbor seal. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see *Proposed Mitigation* section).

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006; HDR, Inc. 2012; Lerma 2014; ABR 2016). Most likely for pile driving, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving and drilling, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in southeast Alaska, which have taken place with no known long-term adverse consequences from behavioral harassment. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring. While vibratory driving and drilling associated with the proposed project may produce sound at distances of many kilometers from the project site, thus intruding on some habitat, the project site itself is located in a busy harbor and the majority of sound fields produced by the specified activities are close to the harbor. Therefore, we expect that animals annoyed by project sound would simply avoid the area and use more-preferred habitats.

In addition to the expected effects resulting from authorized Level B harassment, we anticipate that harbor porpoises and harbor seals may sustain some limited Level A harassment in the form of auditory injury. However, animals in these locations that experience PTS would likely only receive slight PTS, *i.e.* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by pile driving, *i.e.* the low-frequency region below 2 kHz, not severe hearing impairment or impairment in the regions of greatest hearing sensitivity. If hearing impairment occurs, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not

likely to meaningfully affect its ability to forage and communicate with conspecifics. As described above, we expect that marine mammals would be likely to move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Nearly all inland waters of southeast Alaska, including Auke Bay, are included in the southeast Alaska humpback whale feeding BIA (Ferguson *et al.,* 2015), though humpback whale distribution in southeast Alaska varies by season and waterway (Dahlheim *et al.* 2009). Humpback whales are present within Auke Bay intermittently and in low numbers. The area of the BIA that may be affected by the proposed project is small relative to the overall area of the BIA, and the area of suitable humpback whale habitat that is not included in the BIA. The southeast Alaska humpback whale feeding BIA is active between March and November while the proposed project is scheduled to occur between November and March, resulting in only two months of overlap. Additionally, pile driving associated with the project is expected to take only 27 days, further reducing the temporal overlap with the BIA. Therefore, the proposed project is not expected to have significant adverse effects on the southeast Alaska humpback whale feeding BIA.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

No mortality is anticipated or authorized;

- The Level A harassment exposures are anticipated to result only in slight PTS, within the lower frequencies associated with pile driving;
- The anticipated incidents of Level B harassment would consist of, at worst, temporary modifications in behavior that would not result in fitness impacts to individuals;
- The area impacted by the specified activity is very small relative to the overall habitat ranges of all species, does not include ESA-designated critical habitat, and only temporally overlaps with the southeast Alaska humpback whale feeding BIA for two months of the planned six months of activity; and
- The proposed mitigation measures are expected to reduce the effects of the specified activity to the level of least practicable adverse impact.

In addition, although affected humpback whales and Steller sea lions may be from a DPS that is listed under the ESA, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the stocks' ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 8 demonstrates the number of animals that could be exposed to received noise levels that could cause Level A and Level B harassment for the proposed work in Auke Bay. Our analysis shows that less than 15 percent of each affected stock could be taken by harassment. The numbers of animals proposed to be taken for these stocks would be considered small relative to the relevant stock's abundances even if each estimated taking occurred to a new individual—an extremely unlikely scenario.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has preliminarily determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes. The proposed project is not known to occur in an important subsistence hunting area. It is a developed area with regular marine vessel traffic. However, ADOT&PF plans to provide advanced public notice of construction activities to reduce construction impacts on local residents, ferry travelers, adjacent businesses, and other users of the Auke Bay ferry terminal and nearby areas. This will include notification to local Alaska Native tribes that may have members who hunt marine mammals for subsistence. Of the marine mammals considered in this IHA application, only harbor seals are known to be used for subsistence in the project area. If any tribes express concerns regarding project impacts to subsistence hunting of marine mammals, further communication between will take place, including provision of any project information, and clarification of any mitigation and minimization measures that may reduce potential impacts to marine mammals.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from ADOT&PF's proposed activities.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the Alaska Regional Office, whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of wDPS Steller sea lions and Mexico DPS humpback whales, which are listed under the ESA. The Permit and Conservation Division has requested initiation of section 7 consultation with NMFS' Alaska Regional Office for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to ADOT&PF for conducting pile installation and removal activities at the Auke Bay ferry terminal between November 2019 and April 2020, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed [action]. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a one-year IHA renewal with an expedited public comment period (15 days) when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA;
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the proposed Renewal are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take because only a subset of the initially analyzed activities remain to be completed under the Renewal); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: May 13, 2019.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–10326 Filed 5–16–19; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services previously furnished by such agencies.

DATES: *Comments must be received on or before:* June 16, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN—Product Name: MR 1086—Mop, Spritz and Go
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: Military Resale-Defense Commissary Agency

NSN—Product Name: 8540–01–378–6218—Tissue, Toilet, Jumbo, 1-Ply, 3.5″ x 4000′, White, 6 Rolls
Mandatory Source of Supply: Outlook Nebraska, Inc, Omaha, NE
Mandatory For: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FAS ADMIN SVCS ACQUISITION BR(2

Service

Service Type: Waste Management
Mandatory for: U.S. Navy, NAVFAC Mid Atlantic Division, Naval Submarine Base New London, Groton, CT
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: DEPT OF THE NAVY, NAVAL FAC ENGINEERING CMD MID LANT

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSN—Product Name: 7920–01–626–8205—Sponge, All-Purpose, Nylon Mesh, 7½″ x 4¼″ x 1¾″
Mandatory Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

NSN—Product Name: 7045–01–086–2044—

Tape, Electronic Data Processing
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN—Product Name: 7510–01–625–0850—Toner Cartridge, Laser, Extra High Yield, Lexmark E260 Series
Mandatory Source of Supply: Alabama Industries for the Blind, Talladega, AL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSNs—Product Names:
7360–00–935–6408—Dining Packet
7360–00–935–6409—Dining Packet
7360–00–935–6410—Dining Packet
7360–00–935–6411—Dining Packet
7360–00–935–6412—Dining Packet
7360–00–935–6413—Dining Packet
Mandatory Source of Supply: Georgia Industries for the Blind, Bainbridge, GA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN—Product Name: 7530–01–600–2023—Notebook, Spiral Bound, Biobased Bagasse Paper, 6 x 9½″, 150 sheets, College Rule, White
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSNs—Product Names:
7360–00–177–4958—Dining Packet (Dietetic)
7360–00–177–4959—Dining Packet (Dietetic)
7360–00–177–4960—Dining Packet (Dietetic)
7360–00–177–4961—Dining Packet (Dietetic)
7360–00–177–4962—Dining Packet (Dietetic)
7360–00–177–4963—Dining Packet (Dietetic)
7360–00–935–6416—Dining Packet (Dietetic)
7360–00–935–6417—Dining Packet (Dietetic)
7360–00–935–6420—Dining Packet (Dietetic)
7360–00–935–6421—Dining Packet (Dietetic)
Mandatory Source of Supply: Georgia Industries for the Blind, Bainbridge, GA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Services

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army, 1LT John S. Turner USARC, Fairfield, CT
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–PICA

Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: 50 East Street, Springfield, MA
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Janitorial Service
Mandatory for: Norman Military Complex (excluding Norman Armed Force Reserve Center), Norman, OK
Mandatory Source of Supply: Dale Rogers Training Center, Inc., Oklahoma City, OK
Contracting Activity: DEPT OF THE ARMY, W7NV USPFO ACTIVITY OK ARNG

Service Type: Janitorial/Grounds Maintenance
Mandatory for: West Hill Dam, Uxbridge, MA
Mandatory Source of Supply: UNKNOWN
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: Austin AFRC #1, 4601 Fairview Drive, Austin, TX
Mandatory Source of Supply: Blue Solutions, Austin, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-PRESIDIO (RC–W)

Service Type: Document Destruction
Mandatory for: Aberdeen Proving Ground: Building 314, Northeast Civilian Personnel Operation Center, Aberdeen Proving Ground, MD
Mandatory Source of Supply: The Arc Northern Chesapeake Region, Incorporated, Aberdeen, MD
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Pest Control
Mandatory for: Healthy Beginnings Child Development Center: 5610 Fishers Lane, Rockville, MD
Mandatory Source of Supply: Davis Memorial Goodwill Industries, Washington, DC
Contracting Activity: HEALTH AND HUMAN SERVICES, DEPARTMENT OF, DEPT OF HHS

Service Type: Pest Control
Mandatory for: Parklawn Building: 5600 Fishers Lane, Rockville, MD
Mandatory Source of Supply: Davis Memorial Goodwill Industries, Washington, DC
Contracting Activity: HEALTH AND HUMAN SERVICES, DEPARTMENT OF, DEPT OF HHS

Service Type: Janitorial/Custodial
Mandatory for: Defense Logistics Agency: DNSZ Curtis Bay Depot, Baltimore, MD
Mandatory Source of Supply: The Arc Baltimore, Inc., Baltimore, MD
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA SUPPORT SERVICES—DSS

Service Type: Janitorial/Grounds Maintenance
Mandatory for: U.S. Army Reserve Center, TSG Harold C. Lockwood USARC, Malone, NY
Mandatory Source of Supply: Citizen Advocates, Inc., Malone, NY
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–PICA

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–10278 Filed 5–16–19; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* June 16, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 4/5/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in

connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Services

Service Type: Grounds Maintenance
Mandatory for: Federal Aviation Administration, Norfolk Air Traffic Control Tower, Virginia Beach, VA and Patrick Henry Field Air Traffic Control Tower, Newport News, VA
Mandatory Source of Supply: Portco, Inc., Portsmouth, VA
Contracting Activity: FEDERAL AVIATION ADMINISTRATION, FAA, REGIONAL ACQUISITIONS SERVICES

Service Type: Grounds Maintenance
Mandatory for: Federal Aviation Administration, Patrick Henry Field (PHF) Air Traffic Control Tower, Newport News, VA
Mandatory Source of Supply: VersAbility Resources, Inc., Hampton, VA
Contracting Activity: FEDERAL AVIATION ADMINISTRATION, FAA, REGIONAL ACQUISITIONS SERVICES

Deletions

On 4/12/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

NSN(s)—Product Name(s): 7045–01–442–1631—Diskettes, Formatted, 1.44 MB, 3.5″
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s): 7045–01–442–1631—Diskettes, Formatted, 1.44 MB, 3.5″
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
8105–01–J19–2073—Bag, Plastic
8105–01–J19–2071—Bag, Plastic
Mandatory Source of Supply: Envision, Inc., Wichita, KS
8465–00–965–2175—Binding, Snowshoe, Universal
Mandatory Source of Supply: RLCB, Inc., Raleigh, NC
8465–00–965–2175—Binding, Snowshoe, Universal
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s): 7045–01–570–8901—Privacy Filter, Notebook, 13.3″ Widescreen
Mandatory Source of Supply: Wiscraft, Inc., Milwaukee, WI
7530–01–600–7595—Weekly Desk Planner, Dated 2019, Wire Bound, Non-refillable, Black Cover
7530–01–600–7618—Monthly Desk Planner, Dated 2019, Wire Bound, Non-refillable, Black Cover
7530–01–600–7586—Daily Desk Planner, Dated 2019, Wire bound, Non-refillable, Black Cover
7530–01–600–7610—Weekly Planner Book, Dated 2019, 5″ x 8″, Black
7510–01–600–7572—Monthly Wall Calendar, Dated 2019, Jan–Dec, 8½″ x 11″
7510–01–600–7566—Wall Calendar, Dated 2019, Wire Bound w/hanger, 15.5″ x 22″
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s): 7510–01–600–8025—Dated 2019 12-Month 2-Sided Laminated Wall Planner, 24″ x 37″
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS FURNITURE SYSTEMS MGT DIV, PHILADELPHIA, PA

NSN(s)—Product Name(s): 7045–01–570–8901—Privacy Filter, Notebook, 13.3″ Widescreen
Mandatory Source of Supply: Wiscraft, Inc., Milwaukee, WI
Contracting Activity: STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA

NSN(s)—Product Name(s): MR 10736—Sandwich Saver, Licensed, Includes Shipper 20735
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
MR 1066—Pad, Cleaning, Refill, Mop, Spray
Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: Military Resale-Defense Commissary Agency

Service Type: Vehicle Washing Service
Mandatory for: General Services Administration: Fleet Management Division, Region 2 Virgin Islands & Puerto Rico
Mandatory Source of Supply: The Corporate Source, Inc., Garden City, NY
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS REGIONAL FLEET MGT OFC

Service Type: Microfilm Reproduction
Mandatory for: Bangor Naval Submarine Base, Bangor, WA
Contracting Activity: DEPT OF THE NAVY, U.S. FLEET FORCES COMMAND

Service Type: Janitorial/Custodial
Mandatory for: Fort Hood: Physical Fitness Centers in Buildings 9301, 12018, 23001, 24006, 31006, 37017, 39008, 87019 and 91073
Mandatory Source of Supply: World Technical Services, Inc., San Antonio, TX

Service Type: Janitorial/Grounds Maintenance
Mandatory for: Buffumville Lake: Hodges Village Dam, Oxford, MA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Fort Shafter, HI
Helemano Military Reservation, Wahiawa, HI
Schofield Barracks, Schofield, HI
Tripler Army Medical Center, Tripler AMC, HI
Wheeler Army Air Field, Schofield, HI
Mandatory Source of Supply: Goodwill Contract Services of Hawaii, Inc., Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ

Service Type: Janitorial/Custodial
Mandatory for: U.S. Coast Guard, Yerba Buena Island, Building 278, San Francisco, CA
Mandatory Source of Supply: Toolworks, Inc., San Francisco, CA
Contracting Activity: U.S. COAST GUARD, BASE ALAMEDA

Service Type: Vehicle Registration Service
Mandatory for: River's Building, Information Center and: Mail Provost Marshall's Office
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-FDO FT HOOD

Service Type: Janitorial/Custodial
Mandatory for: Kilauea Armed Forces Recreation Center, Island of Hawaii, HI
Mandatory Source of Supply: The ARC of Hilo, Hilo, HI
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 3810 McIntyre Avenue, Eau Claire, WI
Mandatory Source of Supply: L. E. Phillips Career Development Center, Inc., Eau Claire, WI
Contracting Activity: DEPT OF THE ARMY, W6QM MICC FT MCCOY (RC)

Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: Worcester
Mandatory Source of Supply: Seven Hills Occupational & Rehabilitation Services, Inc., Worcester, MA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR-FT DIX (RC)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 4900 South Lancaster Road, Dallas, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 7 West Delaware Avenue, Marcus Hook, PA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Housekeeping Services
Mandatory for: Camp Edwards Billeting, Camp Edwards, MA
Mandatory Source of Supply: capeAbilities, Inc., Hyannis, MA
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)

Service Type: Installation Support Services
Mandatory for: Fort Hood, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Catering Service
Mandatory for: Military Entrance Processing Station, 2024 Ent Ave., Bldg. 799, Niagara Falls, NY
Mandatory Source of Supply: Niagara County Chapter, NYSARC, Niagara Falls, NY
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-FT KNOX
Service Type: Janitorial/Custodial
Mandatory for: Charles E. Kelly Support Facility, Oakdale, PA
Mandatory Source of Supply: Hancock County Sheltered Workshop, Inc., Weirton, WV
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR-FT DIX (RC)

Service Type: Janitorial/Custodial
Mandatory for: Ozark Lake Park: Pool #13 and Lake Dardanelle Area, Ozark, AR
Mandatory Source of Supply: Abilities Unlimited of Ft. Smith, Inc., Van Buren, AR
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Housekeeping Services
Mandatory for: Fort Custer Education Center, Augusta, MI
Mandatory Source of Supply: Navigations, Incorporated, Battle Creek, MI
Contracting Activity: DEPT OF THE ARMY, W7NF USPFO ACTIVITY MI ARNG

Service Type: Food Service
Mandatory for: Fort McPherson, GA
Mandatory Source of Supply: Bobby Dodd Institute, Inc., Atlanta, GA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Custodial and Grounds Maintenance Services
Mandatory for: Border Patrol Sector HDQ, 3819 Patterson Road, New Orleans, LA
Mandatory Source of Supply: Louisiana Industries for the Disabled, Inc., Baton Rouge, LA
Contracting Activity: PUBLIC BUILDINGS SERVICE, BUILDING SERVICES TEAM

Service Type: Grounds Maintenance
Mandatory for: Segura U.S. Army Reserve Center: 301 Ascarate Park Road, El Paso, TX
Mandatory for: Dyer U.S. Army Reserve Center: 4100 Dyer Street, El Paso, TX
Mandatory Source of Supply: Let's Go To Work, El Paso, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-PRESIDIO (RC–W)

Service Type: Switchboard Operation
Mandatory for: Kirtland Air Force Base
Mandatory Source of Supply: LifeROOTS, Inc., Albuquerque, NM
Contracting Activity: DEPT OF THE AIR FORCE, FA9401 AFNWC PZI

Service Type: Janitorial/Custodial
Mandatory for: Department of Agriculture: The Animal and Plant Health Inspection Service Gulfport, MS
Mandatory Source of Supply: Mississippi Goodworks, Inc., Gulfport, MS
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPT OF AGRIC/ANIMAL AND PLANT HLTH INSP SVC

Service Type: Janitorial/Custodial
Mandatory for: Fort Pickett, VA
Mandatory Source of Supply: Goodwill Services, Inc, Richmond, VA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR-FT DIX (RC)

Service Type: Supply and Warehousing Service
Mandatory for: U.S. Army Corps of Engineers: 2600 East Carson Street, Pittsburgh, PA
Mandatory Source of Supply: Goodwill Commercial Services, Inc., Pittsburgh, PA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Laundry Service
Mandatory for: Fort Richardson, AK
Mandatory Source of Supply: Relay Resources, Portland, OR
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: Fort Belvoir: Billeting Building #81, VA
Mandatory Source of Supply: Didlake, Inc., Manassas, VA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Contract Support Services
Mandatory for: Fort Hood, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Laborer, Multi-Tasks Support Services
Mandatory for: Fort Hood, TX
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: 4900 South Lancaster Road, Dallas, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-PRESIDIO (RC–W)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 50 East Street, Springfield, MA
Mandatory Source of Supply: Allied Community Services, Inc., Enfield, CT
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-FT DIX (RC–E)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 200 Wintergreen Avenue, New Haven, CT
Mandatory Source of Supply: Allied Community Services, Inc., Enfield, CT
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-FT DIX (RC–E)

Service Type: Grounds Maintenance, Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 10031 E Northwest Highway, Dallas, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Grounds Maintenance Services
Mandatory for: US Army Reserve Center at Perimeter Park, Houston, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC-PRESIDIO (RC–W)

Service Type: Mailroom Operation
Mandatory for: U.S. Army Engineer District: L. Mendel Rivers Federal Building, Charleston, SC
Mandatory Source of Supply: Palmetto Goodwill Services, North Charleston, SC
Contracting Activity: DEPT OF THE ARMY, W40M RHCO-ATLANTIC USAHCA

Service Type: Administrative Services
Mandatory for: Sheppard AFB, 426 5th Avenue, Sheppard AFB, TX
Mandatory Source of Supply: Work Services Corporation, Wichita Falls, TX
Contracting Activity: DEPT OF THE AIR FORCE, FA3020 82 CONS LGC

Service Type: Document Image Conversion
Mandatory for: Patuxent River Naval Air Station: Aircraft Division, MD
Mandatory Source of Supply: The Center for Life Enrichment, Hollywood, MD
Contracting Activity: DEPT OF THE NAVY, U.S. FLEET FORCES COMMAND

Service Type: Janitorial/Custodial
Mandatory for: Automated Flight Service Station, Seattle, WA
Mandatory Source of Supply: Northwest

Center, Seattle, WA
Contracting Activity: FEDERAL AVIATION ADMINISTRATION, DEPT OF TRANS
Service Type: Janitorial/Custodial
Mandatory for: United States Geological Survey Building: Colorado School of Mines, Golden, CO
Mandatory Source of Supply: Bayaud Industries, Inc., Denver, CO
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION
Service Type: Facility Management, Grounds Maintenance Service
Mandatory for: Wheeler Army Air Field, Schofield, HI
Tripler Army Medical Center, Tripler AMC, HI
Schofield Barracks, Schofield, HI
Helemano Military Reservation, Wahiawa, HI
Fort Shafter, HI
Mandatory Source of Supply: Lanakila Pacific, Honolulu, HI
Contracting Activity: DEPT OF THE ARMY, 0413 AQ HQ
Service Type: Janitorial/Custodial
Mandatory for: Northwestern Bank Building,Washington, DC
Mandatory Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: FEDERAL PRISON SYSTEM, TERMINAL ISLAND, FCI

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–10277 Filed 5–16–19; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, May 21, 2019, 10:00 a.m.–12:00 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East-West Highway, Bethesda, MD.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED: Decisional Matter: Fiscal Year 2019 Mid-Year Review.

A live webcast of the Meeting can be viewed at *https://www.cpsc.gov/live.*

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: May 14, 2019.

Alberta E. Mills,

Secretary of the Commission.

[FR Doc. 2019–10386 Filed 5–15–19; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0058]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of a modified system of records.

SUMMARY: The Office of the Secretary of Defense (OSD) proposes to modify a system of records notice entitled ''Defense Industrial Base (DIB) Cybersecurity (CS) Activities Records,'' DCIO 01. The primary use of this system is to facilitate the sharing of cybersecurity threat information and best practices among the companies that make up the Defense Industrial Base (DIB). When incidents are received, they are analyzed for cyber threats and vulnerabilities in order to develop response measures as well as improve U.S. Government and DIB understanding of advanced cyber security threat activity.

DATES: Comments will be accepted on or before June 17, 2019. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov*.

Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: Ms. Luz D. Ortiz, Chief, Records, Privacy and Declassification Division (RPD2), 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0478.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense proposes to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, the Defense Industrial Base (DIB) Cybersecurity (CS) Activities Records, DCIO 01. The sharing of cybersecurity threat information incident information is critical to DoD's understanding of cyber threats against DoD information, programs and warfighting capabilities systems. This information helps DoD to inform and mitigate adversary actions that may affect DoD information resident on or transiting unclassified defense contractor networks. The Federal Information Security Modernization Act of 2002 (FISMA) authorizes DoD to oversee agency information security policies and practices, for systems that are operated by DoD, a contractor of the Department, or another entity on behalf of DoD that processes any information, the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on DoD's mission.

As a result of reviewing this system of records notice, the OSD proposes to modify this system by updating the following sections: Authorities, purpose, categories of records, routine uses, retrieval of records, retention and disposal, record access procedures, contesting record procedures, notification procedures, and history.

The OSD notices for systems of records subject to the Privacy Act of 1974, as amended, are published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties, and Transparency Division website at *https://defense.gov/privacy*.

The proposed systems reports, as required by the Privacy Act, as amended, were submitted on February 1, 2019, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to Section 6 to OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016, 81 FR 94424).

Dated: May 13, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

Defense Industrial Base (DIB) Cybersecurity (CS) Activities Records, DCIO 01.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Industrial Base (DIB) Cybersecurity Program, 6000 Defense Pentagon, ATTN: DIB CS Program, Washington, DC 20301–6000.

DoD Cyber Crime Center, 911 Elkridge Landing Road, Linthicum, MD 21090–2991.

SYSTEM MANAGER(S):

Director, DIB Cybersecurity, 6000 Defense Pentagon, ATTN: DIB CS Program, Washington, DC 20301–6000, 703–604–3167, *OSD.DIBCSIA@MAIL.MIL*.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 391, Reporting on cyber incidents with respect to networks and information systems of operationally critical contractors and certain other contractors; 10 U.S.C. 393, Reporting on penetrations of networks and information systems of certain contractors; 10 U.S.C. 2224, Defense Information Assurance Program; 50 U.S.C. 3330, Reports to the intelligence community on penetrations of networks and information systems of certain contractors; 32 CFR 236, Department of Defense (DoD)'s Defense Industrial Base (DIB) Cybersecurity (CS) Activities; and DoDI 5205.13, Defense Industrial Base (DIB) Cyber Security/Information Assurance (CS/IA) Activities.

PURPOSE(S) OF THE SYSTEM:

To facilitate communications and the sharing of cyber threat information among DIB CS Program participants.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Supporting DoD contractor (hereafter referred to as 'DIB company') personnel (points of contact and individuals submitting cyber incident reports) providing DIB company information.

CATEGORIES OF RECORDS IN THE SYSTEM:

DIB company point of contact information includes name, company name and mailing address, work division/group, work email, and work telephone number; cyber incident reports submitted by DIB companies are identified by incident numbers, and include information detailing the cyber incident.

RECORD SOURCE CATEGORIES:

The individual and participating DIB companies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To other participating DIB companies to facilitate the sharing of information and expertise related to the DIB CS Program including cyber threat information and best practices, and mitigation strategies.

b. To contractors working with the DIB CS Program and contractors supporting government activities related to the implementation of 32 CFR part 236 and safeguarding covered defense information and cyber incident reporting in accordance with U.S. Department of Defense Federal Acquisition Regulation Supplement (DFARS) 252.204–7009, Limitations on the use or disclosure of third-party contractor reported cyber incident information.

c. To appropriate Federal, State, local, territorial, tribal, foreign, or international agencies for the purpose of counterintelligence activities authorized by U.S. law or Executive Order, or for the purpose of executing or enforcing laws designed to protect the national security or homeland security of the United States, including those relating to the sharing of records or information concerning terrorism, homeland security, or law enforcement.

d. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

e. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

f. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

g. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

h. To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed that there has been a breach of the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

i. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic storage media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DIB company point of contact (POC) information is retrieved primarily by company name and work division/group and secondarily by individual POC name. DIB cyber incident reports are primarily retrieved by incident number but may also be retrieved by company name. They are not retrieved by the individual name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The master file consisting of DIB participant information is destroyed three years after the participating company withdraws from the program, closes, or goes out of business. Other records closed annually and are destroyed 10 years after cut off.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS

Records are accessed by personnel with security clearances who are properly screened, trained, under a signed confidentiality agreement, and determined to have ''need to know.'' Access to records requires DoD Common Access Card (CAC) and PIN. Physical access controls include security guards, identification badges,

key cards, cipher locks, and combination locks.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address inquiries to the Office of the Secretary of Defense/Joint Staff (OSD/JS), Freedom of Information Act (FOIA) Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155. Signed, written requests should contain the individual's name, company name and work division/group, and the name and number of this system of records notice. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents, and for appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to Director, DIB Cybersecurity Office, 6000 Defense Pentagon, ATTN: DIB CS Program, Washington, DC 20301–6000. Signed, written requests should contain the individual's name, and company name and work division/group. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

May 21, 2015, 80 FR 29315; May 8, 2012, 77 FR 29616.

[FR Doc. 2019–10207 Filed 5–16–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Long Range Discrimination Radar (LRDR) at Clear Air Force Station (CAFS)

AGENCY: Missile Defense Agency, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Missile Defense Agency (MDA) announces its intention to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA. MDA began construction of the LRDR following a 2016 Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). Due to threat evolution, operational requirements have created the need to expand the current Special Use Airspace (SUA) at Clear Air Force Station (AFS) to protect nearby aircraft. Several potential designs of the additional SUA have been developed. The MDA is preparing this EIS to evaluate potential environmental impacts that could result from the LRDR SUA alternatives. The Department of Defense has not selected a preferred alternative for the proposed SUA.

DATES: Scoping meetings will be held in the Alaskan communities of Anderson, Fairbanks and Anchorage during June 2019. Notification of the meeting locations, dates, and times will be published and announced in local news media prior to public scoping meetings.

The MDA invites public comments on the scope of the LRDR EIS during a 30-day public scoping period beginning with publication of this notice in the **Federal Register**. Comments will be accepted on or before June 17, 2019.

ADDRESSES: Written comments, statements, and/or concerns regarding the scope of the EIS or requests to be added to the EIS distribution list should be addressed to MDA CAFS EIS and sent by email to *info@cleareis.com,* by facsimile 907–644–2022, or by U.S. Postal Service to Clear EIS c/o HDR, Inc., 2525C Street, Suite 500, Anchorage, AK 99503. Electronic or facsimile comments are preferred. If sending comments by U.S. Postal Service, please do not submit duplicate electronic or facsimile comments. All comments, including names and addresses, will be included in the administrative record.

FOR FURTHER INFORMATION CONTACT: Mark Wright, MDA Public Affairs at 256–450–1599 or by email: *mda.info@mda.mil.* Additional information can be found at MDA's website: *https://www.mda.mil/news/nepa_documents.html.*

SUPPLEMENTARY INFORMATION: In accordance with 40 Code of Federal Regulations (CFR) 1501.6, cooperating agencies for consultation, review, and comment on the EIS include the Federal Aviation Administration (FAA) and U.S. Air Force (USAF). Other cooperating agencies may be identified during the scoping process.

An initial EA was prepared in April 2016 and resulted in a FONSI in June 2016 to support the construction and operation of the LRDR. A detailed analysis of all resource categories was assessed in the EA. Since that time, the adversary threat evaluation has evolved requiring changes to the LRDR's plans for operation, which in turn required MDA to reexamine the LRDR's operational tempo and battlespace coverage. To meet these more challenging requirements, LRDR operational and system procedures were adapted, resulting in expanded requirements for a Special Use Airspace (SUA) at CAFS that will provide continual protection for aircraft from LRDR High Intensity Radiated Fields (HIRF).

Restricted Area R–2206 is currently in effect at CAFS. Designed and implemented over 50 years ago to support the original Ballistic Missile Early Warning System (BMEWS) and its replacement, the Upgraded Early Warning Radar (UEWR), R–2206 will no longer be sufficient to protect aircraft from HIRF levels that will be generated by the more powerful LRDR in its expanded role discussed in this notice. Alternative designs for the additional Restricted Area have been developed. The EIS will analyze potential environmental impacts from each alternative. Our preliminary indications are that the majority of impacts will be in the areas of socioeconomics and airspace. However, to the extent these impacts differ from those analyzed in the 2016 EA, we will analyze them in this EIS process.

This EIS will support the FAAs SUA rule-making process and meet National Historic Preservation Act requirements, including Section 106 Consultation.

The MDA encourages all interested members of the public, as well as federal, state, tribal and local agencies, to participate in the scoping process for the preparation of this EIS. The scoping process assists in determining the scope of issues to be addressed and helps identify significant environmental issues to be analyzed in-depth in the EIS.

Dated: May 14, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10244 Filed 5–16–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0021]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Supporting Excellence in Adult Education

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 17, 2019.

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–0021. 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 Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, 202–245–7405.

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: Supporting Excellence in Adult Education.

OMB Control Number: 1830–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 18.

Total Estimated Number of Annual Burden Hours: 110.

Abstract: The purpose of this information collection request is to identify and document innovative practices in adult education and literacy that are associated with positive outcomes for adult learners so that they may be disseminated to adult education programs. The U.S. Department of Education will analyze the information that is collected about adult education programs and the outcomes they achieve to identify innovative practices that merit dissemination to the field.

Dated: May 14, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–10268 Filed 5–16–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–118–000]

Trans-foreland Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Kenai LNG Cool Down Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the proposed Kenai LNG Cool Down Project involving construction and operation of facilities by Trans-foreland Pipeline Company, LLC (Trans-foreland) near Nikiski in the Kenai Peninsula Borough, Alaska. The Commission will use this EA in its decision-making process to determine whether the project is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of an authorization. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on June 12, 2019.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your

input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on March 29, 2019, you will need to file those comments in Docket No. CP19–118–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Trans-foreland provided landowners with a fact sheet prepared by FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.*

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up, go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; 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 (CP19–118–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Trans-foreland proposes to install, construct, and operate a new 1,000 horsepower electric-driven boil-off-gas (BOG) booster compressor unit, trim vaporizers, ancillary facilities, additional liquefied natural gas (LNG) transfer system valves, and equipment to manage the existing BOG facilities (collectively referred to as the BOG Management System) to facilitate the import of LNG to cool down the existing LNG storage tanks and associated LNG facilities. The installation of the BOG Management System and cool down of the existing LNG facilities and LNG storage tanks would allow the Kenai LNG Plant to provide up to 7.0 million standard cubic feet per day of natural gas to Trans-foreland's affiliated Kenai Refinery adjacent to the Kenai LNG Plant. The general location of the project is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed project would disturb about 18.3 acres of land, all of which consist of existing gravel cover. Following construction, Trans-foreland would maintain less than about 0.1 acre for permanent operation of the project; it would restore the remaining acreage to former uses. The project would be constructed within the existing property boundary of the Kenai LNG Plant terminal site and no vegetation would be cleared or converted as a result of construction or operation.

The EA Process

The EA will discuss impacts that could occur as a result of the proposed project under these general headings:

- Geological resources;
- water resources;
- wildlife;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts

Commission staff will also evaluate reasonable alternatives to the proposed project, and make recommendations on how to lessen or avoid impacts on the various resource areas as applicable.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary [2] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The EA

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] For instructions on connecting to eLibrary, refer to page 5 of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes or is within certain distances of proposed aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP19–118). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.Ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: May 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10299 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM93–11–000]

Notice of Annual Change in the Producer Price Index for Finished Goods: Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992

The Commission's regulations include a methodology for oil pipelines to change their rates through use of an index system that establishes ceiling levels for such rates. The Commission bases the index system, found at 18 CFR 342.3, on the annual change in the Producer Price Index for Finished Goods (PPI–FG), plus one point two three percent (PPI–FG + 1.23). The Commission determined in an *Order Establishing Index Level,*[1] issued December 17, 2015, that PPI–FG + 1.23 is the appropriate oil pricing index factor for pipelines to use for the five-year period commencing July 1, 2016.

The regulations provide that the Commission will publish annually an index figure reflecting the final change in the PPI–FG after the Bureau of Labor Statistics publishes the final PPI–FG in May of each calendar year. The annual average PPI–FG index figures were 198.0 for 2017 and 204.1 for 2018.[2] Thus, the percent change (expressed as a decimal) in the annual average PPI–FG from 2017 to 2018, plus 1.23 percent, is positive 0.043108.[3] Oil pipelines must multiply their July 1, 2018, through June 30, 2019, index ceiling levels by positive 1.043108 [4] to compute their index ceiling levels for July 1, 2019, through June 30, 2020, in accordance with 18 CFR 342.3(d). For guidance in calculating the ceiling levels for each 12-month period beginning January 1, l995,[5] *see Explorer Pipeline Company,* 71 FERC 61,416, at n.6 (1995).

In addition to publishing the full text of this Notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print this Notice via the internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426. The full text of this Notice is available on FERC's Home Page at the eLibrary link. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's website during normal business hours. For assistance, please contact the Commission's Online Support at 1–866–208–3676 (toll free) or 202–502–6652 (email at *FERCOnlineSupport@ferc.gov*), or the Public Reference Room at 202–502–8371, TTY 202–502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Dated: May 10, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10297 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

[1] 153 FERC 61,312, at P 52 (2015).

[2] Bureau of Labor Statistics (BLS) publishes the final figure in mid-May of each year. This figure is publicly available from the Division of Industrial Prices and Price Indexes of the BLS, at 202–691–7705, and in print in August in Table 1 of the annual data supplement to the BLS publication Producer Price Indexes via the internet at *http://www.bls.gov/ppi/home.htm.* To obtain the BLS data, scroll down to PPI Databases and click on Top Picks of the Commodity Data including headline FD–ID indexes (Producer Price Index—PPI). At the next screen, under the heading PPI Commodity Data, select the box, Finished goods—WPUFD49207, then scroll to the bottom of this screen and click on Retrieve data.

[3] [204.1 − 198.0]/198.0 = 0.030808 + 0.0123 = +0.043108.

[4] 1 + 0.043108 = 1.043108.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–125–000]

Gulf South Pipeline Company, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Index 99 Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Index 99 Expansion Project involving construction and operation of facilities by Gulf South Pipeline Company (Gulf South) in San Augustine and Sabine Counties, Texas and

[5] For a listing of all prior multipliers issued by the Commission, see the Commission's website, *http://www.ferc.gov/industries/oil/gen-info/pipeline-index.asp.*

Bienville Parish, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on June 12, 2019.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on March 29, 2019, you will need to file those comments in Docket No. CP19–125–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Gulf South provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.*

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; 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 (CP19–125–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

The Index 99 Expansion Project would consist of the construction of a new pipeline, new launcher and receiver facilities, and a new mainline valve, and modifications to an existing compressor station. All project components are in Texas and Louisiana. The project would provide about 500,000 dekatherms per day (Dth/d) of new natural gas firm transportation service to markets along the Gulf Coast region, as well as provide for an additional 250,000 Dth/d of capacity to Gulf South's existing facilities in northern Louisiana, for a total maximum daily quantity of 750,000 Dth/d.

The project would consist of the following facilities:

- Installation of approximately 22 miles of new 30-inch-diameter pipeline (Index 99L), including cathodic protection along the proposed pipeline, in San Augustine and Sabine Counties, Texas.
- Installation of a pig [1] receiver at the intersection of the new Index 99L pipeline and Gulf South's existing Index 99 System, in San Augustine County, Texas.
- Installation of a pig launcher at the intersection of the new Index 99L pipeline and Gulf South's existing Index 99 System and Index 129 Legacy System, in Sabine County, Texas.
- Installation of one new mainline valve assembly along the new Index 99L pipeline, in San Augustine County, Texas.
- Installation of approximately 250 feet of new 24-inch-diameter station pipe and a 24-inch-diameter pressure control valve along the new 24-inch-diameter station pipe at the existing Hall Summit Compressor Station in Bienville Parish, Louisiana.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 392 acres of land

[1] 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.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

for the pipeline and the aboveground facilities. Following construction, Gulf South would maintain about 162 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 93 percent (20 miles) of the proposed pipeline route parallels existing pipeline, utility, or road rights-of-way.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary [3] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Offices, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP19–125). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: May 13, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10238 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

[3] For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL19–76–000]

Notice of Petition for Partial Waiver: Wabash Valley Power Association, Inc.

Take notice that on May 10, 2019, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations,[1] Wabash Valley Power Association, Inc. (WVPA), on behalf of itself and its four participating electric distribution cooperative member-owners (collectively, the Participating Members),[2] filed a partial waiver of certain obligations imposed on WVPA and the Participating Members under sections 292.303(a) and 292.303(b) of

[1] 18 CFR 292.402.

[2] The Participating Members joining in this application include the following electric distribution cooperative member-owners of WVPA who have entered into an all-requirements power supply contract with WVPA to purchase from WVPA substantially all of its electric requirements: Hancock Rural Telephone Corporation, Hendricks County Rural Electric Membership Corporation, Jasper County REMC, and Kankakee Valley REMC.

The Commission has previously granted joint petitions filed by WVPA on behalf of itself and eighteen of its electric distribution cooperative members seeking waiver of WVPA's obligation under section 292.303(b) to make retail sales to qualifying facilities (QFs) and seeking waiver of the members' obligations under section 292.303(a) to make purchases from QFs. See Wabash Valley Power Association, Inc., 161 FERC ¶ 62,142 (2018) (delegated letter order); Wabash Valley Power Association, Inc., 166 FERC ¶ 62,086 (2019) (delegated letter order).

the Commission's regulations [3] implementing section 210 of the Public Utility Regulatory Policies Act of 1978, as amended,[4] all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on May 31, 2019.

Dated: May 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10300 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

[3] 18 CFR 292.303(a) and (b).

[4] 16 U.S.C. 824a–3.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2266–116]

Nevada Irrigation District; Notice of Application for Temporary Variance 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:* Temporary Variance from license Articles 33 and 34.

b. *Project No.:* 2266–116.

c. *Date Filed:* May 6, 2019.

d. *Applicant:* Nevada Irrigation District.

e. *Name of Project:* Yuba-Bear Project.

f. *Location:* The project is located on the Middle and South Yuba Rivers, Bear River, and Jackson and Canyon Creeks in Nevada, Placer and Sierra counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Remleh Scherzinger, General Manager, Nevada Irrigation District, 1036 W Main St., Grass Valley, CA 95945; telephone: (530) 273–6185.

i. *FERC Contact:* Holly Frank, telephone: (202) 502–6833, and email address: *holly.frank@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations 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–2266–116.

k. *Description of Request:* The licensee is requesting a temporary variance from: (1) The minimum flow required by Article 33 from October 14 through October 31, 2019; and (2) the ramping rate required by Article 34 from October 14 through November 15, 2019. Article 33 requires a minimum flow of 75 cubic feet per second (cfs) in the river downstream of Rollins Dam from May 1 through October 31, and of 20 cfs from November 1 through April 30. Article 34 requires the maximum ramping rate downstream of the dam to not exceed 0.25 feet per hour (ft/hr). On October 13, 2019, the licensee would reduce flows in the Bear River below Rollins Dam down to 20 cfs following the 0.25 ft/hr ramping rate. The licensee requests the temporary variance in order to replace the emergency drawdown valve in Rollins Dam, which requires temporarily taking the valve and Rollins Powerhouse offline. The licensee proposes to conduct the valve replacement between October 14 and November 15, 2019. The licensee requests a variance from the minimum flow requirement until October 31, 2019, at which time the licensee would return the powerhouse on-line and be able to meet the minimum flow requirement. With the powerhouse back on-line, below a flow of approximately 150 cfs the licensee would not be able to meet the ramping rate requirement. Therefore the licensee the licensee requests a variance from the ramping rate requirement for instances when the powerhouse is brought back on-line or in case of emergency. Prior to initiating repairs, the licensee would notify the public and the agencies regarding the flow changes in the river. Following the initial flow reduction, the licensee would also conduct a reconnaissance survey in the river to determine whether any sensitive areas are exposed; if any are identified the licensee would consult with the resource agencies to discuss the appropriate action.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number P–2266 in the docket number field to access the documents. 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 and at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

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. 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 Responsive Documents:* All filings must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: May 10, 2019.

Kimberly Bose,

Secretary.

[FR Doc. 2019–10296 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–373–003.
Applicants: Paulding Wind Farm II LLC.
Description: Compliance filing: Compliance filing in Docket ER19–373 to be effective 1/20/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5033.
Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1151–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Supplement to Docket No. ER19–1151 re: Effective Date to add Transource as a TO to be effective 5/10/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5128.
Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1245–001.
Applicants: Nevada Power Company.
Description: Compliance filing: NPC-Overton-Lincoln Trans Agr R.S. 51 Fully Executed Compliance to be effective 5/11/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5100.
Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1818–000.
Applicants: El Paso Electric Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 118, EPE–EDF Engineering & Procurement Agreement to be effective 5/10/2019.
Filed Date: 5/9/19.
Accession Number: 20190509–5131.
Comments Due: 5 p.m. ET 5/30/19.

Docket Numbers: ER19–1819–000.
Applicants: Broad River Solar, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 7/10/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5025.
Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1820–000.
Applicants: Stony Knoll Solar, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 7/10/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5026.
Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1821–000.
Applicants: Speedway Solar NC, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 7/10/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5028.
Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1822–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits First Quarter 2019 Capital Budget Report.
Filed Date: 5/10/19.
Accession Number: 20190510–5080.
Comments Due: 5 p.m. ET 5/31/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–23–000.
Applicants: Upper Michigan Energy Resources Corporation.
Description: Supplement to April 22, 2019 Application under Section 204 of the Federal Power Act (New Exhibits) of Upper Michigan Energy Resources Corporation.
Filed Date: 5/9/19.
Accession Number: 20190509–5136.
Comments Due: 5 p.m. ET 5/30/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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: May 10, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10301 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1819–000]

Broad River Solar, 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 Broad River Solar, 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 June 3, 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: May 13, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10239 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 400–072]

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions: Public Service Company of Colorado

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

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No:* 400–072.

c. *Date Filed:* March 21, 2019.

d. *Applicant:* Public Service Company of Colorado.

e. *Name of Project:* Ames Hydroelectric Project.

f. *Location:* The project is located on the Animas and San Miguel rivers in La Plata, San Juan, and San Miguel counties, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Christine E. Johnston, Project Manager; (303) 294–2224; *christine.johnston@xcelenergy.com.*

i. *FERC Contact:* Krista Sakallaris; (202) 502–6302; *krista.sakallaris@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, and terms and conditions, is 60 days from the issuance date of this notice by the Commission; reply comments are due 105 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing.

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–400–072. 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:* Public Service Company of Colorado is requesting Commission approval to amend its license to decommission and remove some facilities associated with the Howard Fork portion of the Ames Hydroelectric Project. The Howard Fork diversion dam would remain in place, with modifications to ensure water continues to flow through the structure. Portions of the Howard Fork penstocks would be removed while others left in place. The proposal also includes removing the associated surge tank and decommissioning in-place the Howard Fork turbine. The proposal includes removing approximately 17.3 acres of U.S. Forest Service land from the project boundary to eliminate lands that encompass the above facilities. As proposed, the project's installed capacity would be reduced from 3.5 megawatts to 2.8 megawatts. The proposed amendment would not have any effect on the Lake Fork portion of the project, which will continue to operate as licensed.

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: May 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10302 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2275–049]

Public Service Company of Colorado; Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, Protests, Recommendations, and Terms and Conditions

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

a. Application Type: Non-Capacity Amendment of License.

b. *Project No:* 2275–049.

c. *Date Filed:* March 21, 2019.

d. *Applicant:* Public Service Company of Colorado.

e. *Name of Project:* Salida Hydroelectric Project Numbers 1 and 2.

f. *Location:* The project is located on the South Fork Arkansas River in Chaffee County, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Christine E. Johnston, Project Manager; (303) 294–2224; *christine.johnston@xcelenergy.com*.

i. *FERC Contact:* Krista Sakallaris; (202) 502–6302; *krista.sakallaris@ferc.gov*.

j. Deadline for filing motions to intervene and protests, comments, recommendations, and terms and conditions, is 60 days from the issuance date of this notice by the Commission; reply comments are due 105 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing.

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–2275–049. 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:* Public Service Company of Colorado is requesting Commission approval to amend its license to remove the facilities and land within the project boundary associated with Salida Unit 1. As proposed, the Garfield Dam would be removed along with associated structures and the upstream area will be restored to provide a stable channel and habitat for fish and macroinvertebrates. Portions of the Garfield dam to Fooses Reservoir Gravity Pipeline will be removed while the rest will be decommissioned and left in place. The Fooses Dam will be removed along with some auxiliary structures and the stream channel of Fooses Creek will be restored. The above ground sections of the Fooses Bypass Pipeline will be removed and the underground sections will be decommissioned and left in place. The Salida No. 1 penstock and pipeline will be decommissioned and portions located on U.S. Forest Service land and private property will be left in place. The Salida No. 1 powerhouse will either be sold or removed and the non-project substation within the current project boundary will be removed. The proposal includes removing approximately 21 acres of U.S Forest Service land and 3.6 acres of private land from the project boundary to eliminate lands that encompass the above facilities. As proposed, the project's installed capacity would be reduced from 1.31 megawatts to 560 kilowatts. The proposed amendment would not have any effect on the Salida Unit 2 portion of the project, which will continue to operate as licensed.

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: May 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10303 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD19–13–000]

Supplemental Notice of Technical Conference: Reliability Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will hold a Technical Conference on Thursday, June 27, 2019, from 9:00 a.m. to 5:00 p.m. This Commissioner-led conference will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The purpose of the conference is to discuss policy issues related to the reliability of the Bulk-Power System. The agenda for this event is attached.

The conference will be open for the public to attend. There is no fee for attendance. However, members of the public are encouraged to preregister online at: *http://www.ferc.gov/whats-new/registration/06-27-19-form.asp.*

Information on this event will be posted on the Calendar of Events on the Commission's website, *http://www.ferc.gov,* prior to the event. The conference will also be webcast and transcribed. Anyone with internet access who desires to listen to this event can do so by navigating to the Calendar of Events at *http://www.ferc.gov* and locating this event in the Calendar. The event will contain a link to the webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call (703) 993–3100. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. at (202) 347–3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1 (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact Lodie White (202) 502–8453, *Lodie.White@ferc.gov.* For information related to logistics, please contact Sarah McKinley at (202) 502–8368, *Sarah.Mckinley@ferc.gov.*

Dated: May 10, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10295 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC19–122–000]

Pacific Gas and Electric Company; Notice of Filing

Take notice that on May 9, 2019, Pacific Gas and Electric Company filed a request for approval to determine its allowance for funds used during construction rate in a manner that excludes certain liability provisions required by Generally Accepted Accounting Principles that do not have an impact on cash available to fund construction.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on May 29, 2019.

Dated: May 13, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10236 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1820–000]

Stony Knoll Solar, 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 Stony

Knoll Solar, 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 June 3, 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: May 13, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10240 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–1–000]

Notice of Availability of the Environmental Assessment for the Proposed Palmyra to Ogden A-Line Project: Northern Natural Gas Company

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Palmyra to Ogden A-Line Project, involving abandonment by sale of facilities by Northern Natural Gas Company (Northern) to DKM Enterprises, LLC (DKM) in Otoe and Cass counties in Nebraska, and Mills, Pottawattamie, Cass, Audubon, Guthrie, Greene, and Boone counties in Iowa.

The EA assesses the potential environmental effects of the Palmyra to Ogden A-Line Project in accordance with the requirements of the National Environmental Policy Act. 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.

Northern proposes to isolate and abandon by sale to DKM approximately 146.6 miles of 24-inch-diameter pipeline on Northern's M580A and M530A system (collectively referred to as the ''A-line'') from Palmyra, Nebraska, to Ogden, Iowa. Northern indicates that DKM intends to salvage the abandoned pipeline.

To abandon the pipeline, Northern would disconnect and cap the A-line at five interconnections where it is linked to other system facilities. Ground disturbances would be limited to one location in Otoe County, Nebraska, and four locations in Mills, Guthrie, and Boone counties, Iowa, where the A-line would be disconnected from Northern's existing pipeline system.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; local libraries and newspapers; and other interested individuals and groups, including commenters. 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.,* CP19–1). 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 June 12, 2019.

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 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 (CP19–1) 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: May 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10298 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–89–000.

Applicants: Northern States Power Company, a Minnesota corporation, Jeffers Wind 20, LLC, Community Wind North, LLC, North Wind Turbines LLC, North Community Turbines LLC, Community Wind North 2 LLC, Community Wind North 3 LLC, Community Wind North 5 LLC, Community Wind North 6 LLC, Community Wind North 7 LLC, Community Wind North 10 LLC, Community Wind North 11 LLC, Community Wind North 1 LLC, Community Wind North 9 LLC, Community Wind North 8 LLC, Community Wind North 13 LLC, Community Wind North 15 LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act., et al. of Northern States Power Company, a Minnesota corporation, et al.

Filed Date: 5/13/19.

Accession Number: 20190513–5044.

Comments Due: 5 p.m. ET 6/3/19.

Docket Numbers: EC19–90–000.

Applicants: Public Service Company of New Mexico, Western Spirit Transmission LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act., et al. of Public Service Company of New Mexico, et al.

Filed Date: 5/10/19.

Accession Number: 20190510–5163.

Comments Due: 5 p.m. ET 5/31/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2564–009; *ER10–2289–009; ER10–2600–009.*

Applicants: Tucson Electric Power Company, UNS Electric, Inc., UniSource Energy Development Company.

Description: Updated Workpapers of Dr. Jonathan Stahlhut for Triennial Market Power Analysis for the Southwest Region of Tucson Electric Power Company, et al.

Filed Date: 5/10/19.

Accession Number: 20190510–5175.

Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–356–002.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing—Require All VERs to Register and Convert to DVERs to be effective 1/16/2019.

Filed Date: 5/13/19.

Accession Number: 20190513–5096.

Comments Due: 5 p.m. ET 6/3/19.

Docket Numbers: ER19–373–003.

Applicants: Paulding Wind Farm II LLC.

Description: Compliance filing: Compliance filing in Docket ER19–373 to be effective 1/20/2019.

Filed Date: 5/10/19.

Accession Number: 20190510–5033.

Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1152–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Supplement to Docket No. ER19–1152 re: Effective Date to add Transource as a TO to be effective 5/10/2019.

Filed Date: 5/10/19.

Accession Number: 20190510–5129.

Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1823–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2019–05–10_Attachment X Compliance to RM17–8 Surplus Interconnection Service to be effective 5/20/2019.

Filed Date: 5/10/19.

Accession Number: 20190510–5131.

Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1824–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: Pattern NMW TSA Nos. 513–516 to be effective 7/9/2019.

Filed Date: 5/10/19.

Accession Number: 20190510–5132.

Comments Due: 5 p.m. ET 5/31/19.

Docket Numbers: ER19–1825–000.

Applicants: RRI Energy Services, LLC.

Description: Tariff Cancellation: Notice of Cancellation to be effective 5/14/2019.

Filed Date: 5/13/19.

Accession Number: 20190513–5062.

Comments Due: 5 p.m. ET 6/3/19.

Docket Numbers: ER19–1826–000.

Applicants: Bolt Energy, LLC.

Description: Baseline eTariff Filing: MBR Tariff to be effective 6/12/2019.

Filed Date: 5/13/19.

Accession Number: 20190513–5085.

Comments Due: 5 p.m. ET 6/3/19.

Docket Numbers: ER19–1827–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 5224; Queue No. AB2–060 to be effective 10/3/2018.

Filed Date: 5/13/19.

Accession Number: 20190513–5172.

Comments Due: 5 p.m. ET 6/3/19.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF19–1161–000.

Applicants: Los Alamos National Laboratory.

Description: Form 556 of Los Alamos National Laboratory.

Filed Date: 5/13/19.

Accession Number: 20190513–5073.

Comments Due: Non-Applicable.

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: May 13, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10237 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1821–000]

Speedway Solar NC, 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 Speedway Solar NC, 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 June 3, 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: May 13, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10241 Filed 5–16–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9044–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/*

Weekly receipt of Environmental Impact Statements Filed 05/06/2019 Through 05/10/2019

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20190096, Final, DOE, TX, ADOPTION—Rio Grande LNG Project, *Contact:* Brian Lavoie 202–586–2459

The Department of Energy (DOE) has adopted the Federal Energy Regulatory Commission's Final EIS No. 20190079, filed 4/26/2019 with the EPA. DOE was a cooperating agency on this project. Therefore, recirculation of the document is not necessary under Section 1506.3(c) of the CEQ regulations.

EIS No. 20190097, Draft Supplement, USAF, GU, Tinian Divert Infrastructure Improvements, Commonwealth of the Northern Mariana Islands, *Comment Period Ends:* 07/01/2019, *Contact:* Julianne Turko 210–925–3777.

EIS No. 20190098, Draft, BLM, MT, Missoula Draft Resource Management Plan and Environmental Impact Statement, *Comment Period Ends:* 08/15/2019, *Contact:* Maggie Ward 406–329–3914.

EIS No. 20190099, Draft, BLM, MT, Draft Lewistown Resource Management Plan, *Comment Period Ends:* 08/15/2019, *Contact:* Dan Brunkhorst 406–538–1900.

EIS No. 20190100, Final, USFS, NV, Mt. Rose Ski Tahoe Atoma Area Expansion, *Review Period Ends:* 06/17/2019, *Contact:* Marnie Bonesteel 775–352–1240.

EIS No. 20190101, Draft, BLM, NV, Mackey Optimization Project, *Comment Period Ends:* 07/01/2019, *Contact:* Jeanette Black, EIS Project Manager 775–623–1500.

EIS No. 20190102, Draft, BLM, NV, Hycroft Mine Phase II Expansion Project, *Comment Period Ends:* 07/01/2019, *Contact:* Dr. Mark Hall 775–623–1500.

EIS No. 20190103, Final, BLM, ID, Caldwell Canyon Mine and Reclamation Plan, *Review Period Ends:* 06/17/2019, *Contact:* Bill Volk 208–236–7503.

EIS No. 20190104, Draft, FTA, NJ, NJ Transitgrid Traction Power System, *Comment Period Ends:* 07/19/2019, *Contact:* Daniel Moser 212–668–2326.

EIS No. 20190105, Draft Supplement, BLM, MT, Miles City Field Office Draft Supplemental EIS and RMP Amendment, *Comment Period Ends:* 08/15/2019, *Contact:* Irma Nansel 406–233–2800.

EIS No. 20190106, Draft Supplement, BLM, WY, Buffalo Field Office Draft Supplemental EIS and RMP Amendment, *Comment Period Ends:* 08/15/2019, *Contact:* Tom Bills 307–684–1100.

EIS No. 20190107, Draft, NMFS, REG, Draft Regulatory Amendment to Modify Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management Measures, *Comment Period Ends:* 07/31/2019, *Contact:* Jennifer Cudney 727–824–5399.

Amended Notice

EIS No. 20190018, Draft, USACE, AK, Pebble Mine, *Comment Period Ends:* 07/01/2019, *Contact:* Shane McCoy 907–753–2715.

Revision to FR Notice Published 03/01/2019; Extending the Comment Period from 05/31/2019 to 07/01/2019.

Dated: May 13, 2019.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2019–10214 Filed 5–16–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2019–3013]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Banks of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the applicant for EXIM assistance. The Application for Short-Term Multi-Buyer Export Credit Insurance Policy will be used to determine the eligibility of the applicant and the transaction for Export-Import Bank assistance under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

DATES: Comments must be received on or before June 17, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 92–50) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0023. The application tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib92-50.pdf.*

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–50 Application for Short-Term Multi-Buyer Export Credit Insurance Policy.

OMB Number: 3048–0023.

Type of Review: Renewal.

Need and Use: The Application for Short-Term Multi-Buyer Export Credit Insurance Policy will be used to determine the eligibility of the applicant and the transaction for Export-Import Bank assistance under its insurance program.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 285.

Estimated Time per Respondent: 0.5 hours.

Annual Burden Hours: 143.

Frequency of Reporting of Use: As needed.

Government Reviewing Time per Year:

Reviewing time per year: 285 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $12,113 (time*wages).

Benefits and Overhead: 20%.

Total Government Cost: $14,535.

Bassam Doughman,

IT Specialist.

[FR Doc. 2019–10253 Filed 5–16–19; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2019–3014]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the export sales for insurance coverage. The Report of Premiums Payable for Financial Institutions Only is used to determine the eligibility of the shipment(s) and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

DATES: Comments must be received on or before June 17, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* (EIB 92–30) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0021. The information collection tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib92-30.pdf.*

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–30 Report of Premiums Payable for Financial Institutions Only.

OMB Number: 3048–0021.

Type of Review: Renewal.

Need and Use: This collection of information is necessary to determine eligibility of the applicant for EXIM assistance. The information collected enables EXIM to determine the eligibility of the shipment(s) for insurance and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 215.

Estimated Time per Respondent: 30 minutes.

Annual Burden Hours: 1290 hours.

Frequency of Reporting of Use: Monthly.

Government Expenses:

Reviewing Time per Year: 860 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $36,550 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $43,860.

Bassam Doughman,

IT Specialist.

[FR Doc. 2019–10256 Filed 5–16–19; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2019–3012]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Banks of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the applicant for EXIM assistance.

DATES: Comments must be received on or before June 17, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB–10–02) by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0031. The application tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib10-02.pdf.*

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 10–02 Application for Short-Term Express Credit Insurance Policy.

OMB Number: 3048–0031.

Type of Review: Renewal.

Need and Use: This form is used by an exporter (or broker acting on its behalf) in order to obtain approval for coverage of the repayment risk of export sales. The information received allows EXIM staff to make a determination of the eligibility of the applicant and the creditworthiness of one of the applicant's foreign buyers for EXIM assistance under its programs.

This is the application form for use by small U.S. businesses with limited export experience. Companies that are eligible to use the Express policy will need to answer approximately 20 questions and sign an acknowledgement of the certifications that appear on the reverse of the application form. This program does not provide discretionary credit authority to the U.S. exporter, and therefore the financial and credit information needs are minimized.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 500.

Estimated Time per Respondent: 0.25 hours.

Annual Burden Hours: 125 hours.

Frequency of Reporting of Use: Once per year.

Government Expenses:

Reviewing time per year: 1,000 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $42,500 (time*wages).

Benefits and Overhead: 20%.

Total Government Cost: $51,000.

Bassam Doughman,

IT Specialist.

[FR Doc. 2019–10252 Filed 5–16–19; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 12, 2019.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Big Creek Bancshares, Inc., Moro, Arkansas;* to merge with Tyronza Bancshares, Inc., Marked Tree, Arkansas, and thereby indirectly acquire First Delta Bank, Marked Tree, Arkansas.

Board of Governors of the Federal Reserve System, May 13, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–10215 Filed 5–16–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Reporting, Recordkeeping, and Disclosure Requirements Associated with Regulation NN (FR NN; OMB No. 7100–0353).

DATES: Comments must be submitted on or before July 16, 2019.

ADDRESSES: You may submit comments, identified by *FR NN,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW, Washington, DC 20551.

All public comments are available on the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board

authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information 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.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend For Three Years, Without Revision, the Following Information Collection

Report title: Reporting, Recordkeeping, and Disclosure Requirements Associated with Regulation NN.

Agency form number: FR NN.

OMB control number: 7100–0353.

Frequency: Event generated.

Respondents: Banking institutions.

Estimated number of respondents: Reporting: 1; recordkeeping: 2; disclosure: 2.

Estimated average hours per response: Reporting: 16; recordkeeping: 183; disclosure: 787.

Estimated annual burden hours: 1,956.

General description of report: Regulation NN includes certain reporting, recordkeeping, and disclosure requirements for banking institutions that elect to provide foreign currency exchange services to retail consumers. The regulation applies to state member banks, uninsured state-licensed branches of foreign banks, financial holding companies, bank holding companies, savings and loan holding companies, agreement corporations, and Edge Act corporations (collectively, ''banking institutions'') that engage in retail foreign exchange transactions.

Legal authorization and confidentiality: The reporting, recordkeeping, and disclosure requirements in Regulation NN are authorized pursuant to section 2(c)(2)(E) of the Commodity Exchange Act (''CEA''), 7 U.S.C. 2(c)(2)(E). Section 2(c)(2)(E) of the CEA prohibits a United States financial institution and its related persons under the supervision of a Federal regulatory agency, such as the Board, from offering or entering into certain types of foreign exchange transactions with retail customers except pursuant to a rule or regulation prescribed by the appropriate Federal regulatory agency allowing the transaction under such terms and conditions as the Federal regulatory agency shall prescribe.

Regulation NN's reporting requirement (12 CFR 240.4), recordkeeping requirements (12 CFR 240.7, 240.9(b)(2), and 240.13(a)) and disclosure requirements (240.5(a), 240.6, 240.7, 240.9(b)(2), 240.10, 240.13(a) & (c)–(d), 240.15, and 240.16(a) and (b)) are mandatory for banking institutions that engage in retail foreign exchange transactions.

The reporting requirement under section 240.4 of Regulation NN requires a banking institution to provide a prior written notice to the Board that includes information concerning customer due diligence; the policies and procedures for haircuts to be applied to noncash margin; information concerning new product approvals; and information on addressing conflicts of interest. The disclosure of this information is reasonably likely to result in substantial competitive harm to the banking institution, and therefore, may be kept confidential under exemption (b)(4) of the Freedom of Information Act (''FOIA''), which protects ''trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential'' (5 U.S.C. 552(b)(4)). In addition, the prior written notice must also include a resolution of the banking institution's board of directors certifying that the institution has written policies, procedures, and risk measurement and management systems and controls in place to ensure retail foreign exchange transactions are conducted in a safe and sound manner and in compliance with Regulation NN. Generally, this resolution by the board of directors would not be accorded confidential treatment. If confidential treatment is requested by a banking institution, the Board will review the request to determine if confidential treatment is appropriate.

The recordkeeping and disclosures required under sections 240.5(a), 240.6, 240.7, 240.9(b)(2), 240.10, 240.13(a) & (c)–(d), 240.15, and 240.16(a) and (b) of Regulation NN generally are not submitted to the Board. Accordingly, no confidentiality issues will normally arise under the FOIA. In the event such records or disclosures are obtained by the Federal Reserve through the examination or enforcement process, such information may be kept confidential under exemption 8 of the FOIA, which protects information contained in or related to an examination of a financial institution (5 U.S.C. 552(b)(8)).

Board of Governors of the Federal Reserve System, May 14, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–10246 Filed 5–16–19; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects

Title: Federal Tax Refund Offset, Administrative Offset, and Passport Denial.

OMB No.: 0970–0161.

Description: The Federal Tax Refund Offset and Administrative Offset (Federal Offset) programs collect past-due child and spousal support by intercepting certain federal payments, including federal tax refunds, of parents who have been ordered to pay support and are delinquent. The Federal Offset program is a cooperative effort among the Department of the Treasury's Bureau of the Fiscal Service, the federal Office of Child Support Enforcement (OCSE), and state child support enforcement agencies.

The Passport Denial program reports noncustodial parents who owe child

and spousal support above a threshold to the Department of State, which will then deny passports to these individuals. On an ongoing basis, child support enforcement agencies submit to OCSE the names, Social Security numbers, and the amount(s) of past-due child and spousal support of noncustodial parents who are delinquent in making payments.

The information collection activities pertaining to the Federal Tax Refund Offset, Administrative Offset, and Passport Denial programs are authorized by: (1) 42 U.S.C. 652(b), 42 U.S.C. 664, 26 U.S.C. 6402(c), 31 CFR 285.3, 45 CFR 302.60, and 45 CFR 303.72, which require state child support agencies to submit information pertaining to past-due support cases meeting specific criteria for the offset of the federal tax refund of the noncustodial parent; (2) 31 U.S.C. 3701 *et seq.,* 31 U.S.C. 3716(h), and 31 CFR 285.1, which require state child support agencies to submit information pertaining to past-due support cases meeting specific criteria for the administrative offset of federal payments other than federal tax refunds of the noncustodial parent; (3) 42 U.S.C. 652(k), 42 U.S.C. 654(31), and 22 CFR 51.60, which require state child support agencies to submit information to OCSE pertaining to past-due support cases meeting specific criteria for the denial, revocation, restriction, or limitation of the passport of the noncustodial parent; and (4) 42 U.S.C. 654(31), 42 U.S.C. 664, 31 CFR 285.1, and 31 CFR 285.3, which require state child support agencies to submit the Annual Certification Letter to OCSE asserting that each case submitted for the Federal Tax Refund Offset, Administrative Offset, and Passport Denial programs meets federal requirements.

Respondents: Child Support Enforcement Agencies

ANNUAL BURDEN ESTIMATES

Information collection instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Input Record	54	52	.3	842.4
Output Record	54	52	.46	1291.7
Payment File	54	52	.135	379.1
Certification Letter	54	1	.4	21.6
Portal Processing screens	173	280.65	.01	485.52

Estimated Total Burden Hours: 3,020.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attention Reports Clearance Officer. All requests should be identified by the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, *Attn:* Desk Officer for the Administration for Children and Families.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10206 Filed 5–16–19; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0977]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection for the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents.

DATES: Submit either electronic or written comments on the collection of information by July 16, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 16, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 16, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–0977 for ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents—21 CFR 1140.30

OMB Control Number 0910–0312—Extension

This is a request for an extension of OMB approval for the information collection requirements contained in FDA's regulations for cigarettes and smokeless tobacco containing nicotine. The regulations that are codified at 21 CFR part 1140 are authorized by section 102 of the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31). Section 102 of the Tobacco Control Act required FDA to publish a final rule regarding cigarettes and smokeless tobacco identical in its provisions to the regulation issued by FDA in 1996 (61 FR 44396, August 28, 1996), with certain specified exceptions including that subpart C (which included 21 CFR 897.24) and 897.32(c) be removed from the reissued rule (section 102(a)(2)(B)). The reissued final rule was published in the **Federal Register** of March 19, 2010 (75 FR 13225).

This collection includes reporting information requirements for § 1140.30 which directs persons to notify FDA if they intend to use a form of advertising that is not addressed in the regulations and not originally described in the March 19, 2010, final rule. Section 1140.30 requires manufacturers, distributors, and retailers to (1) observe certain format and content requirements for labeling and advertising and (2) notify FDA if they intend to use an advertising medium that is not listed in the regulations. The concept of permitted advertising in § 1140.30 is sufficiently broad to encompass most forms of advertising.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1140.30—Scope of permissible forms of labeling and advertising	25	1	25	1	25

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden hour estimates for this collection of information were based on industry-prepared data and information regarding cigarette and smokeless tobacco product advertising expenditures.

FDA estimates that approximately 25 respondents will submit an annual notice of alternative advertising, and the Agency has estimated it should take 1 hour to provide such notice. Therefore, FDA estimates that the total time required for this collection of information is 25 hours.

We have adjusted our burden estimate to approximately 25 notifications annually, which more accurately reflects the current number of submissions under this regulation. This is a decrease to the currently approved burden. The decrease in notifications is not unexpected given that the regulation applies to cigarettes and smokeless tobacco and many of the alternative media notifications have been made in previous years.

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10291 Filed 5–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3031]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 17, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0749. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

OMB Control Number 0910–0749—Extension

On June 22, 2009, the Family Smoking Prevention and Tobacco Control Act (the Tobacco Control Act) (Pub. L. 111–31) was signed into law. The Tobacco Control Act amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) and granted FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health generally and to reduce tobacco use by minors.

FDA issued a final rule that requires domestic manufacturers and importers of cigars and pipe tobacco to submit information needed to calculate the amount of user fees assessed under the FD&C Act (*https://www.govinfo.gov/content/pkg/FR-2016-05-10/pdf/2016-10688.pdf*). FDA expanded its authority over tobacco products by issuing another final rule, ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products'' (Deeming rule), deeming all products that meet the statutory definition of ''tobacco product,'' except accessories of the newly deemed tobacco products, to be subject to the FD&C Act (*https://www.govinfo.gov/content/pkg/FR-2016-05-10/pdf/2016-10685.pdf*). The Deeming rule, among other things, subjected domestic manufacturers and importers of cigars and pipe tobacco to the FD&C Act's user fee requirements. Consistent with the Deeming rule and the requirements of the FD&C Act, the user fee final rule requires the submission of the information needed to calculate user fee assessments for each manufacturer and importer of cigars and pipe tobacco to FDA.

As noted, FDA issued a final rule that requires domestic tobacco product manufacturers and importers to submit information needed to calculate the amount of user fees assessed under the FD&C Act. The U.S. Department of Agriculture (USDA) had been collecting this information and provided FDA with the data the Agency needed to calculate the amount of user fees assessed to tobacco product manufacturers and importers. USDA ceased collecting this information in fiscal year 2015 (October 2014). USDA's information collection did not require OMB approval, per an exemption by Public Law 108–357, section 642(b)(3). Consistent with the requirements of the FD&C Act, FDA requires the submission of this information to FDA now instead of USDA. FDA took this action to ensure that the Agency continues to have the information needed to calculate, assess, and collect user fees from domestic manufacturers and importers of tobacco products.

Section 919(a) of the FD&C Act (21 U.S.C. 387s(a)) requires FDA to ''assess user fees on, and collect such fees from,

each manufacturer and importer of tobacco products'' subject to the tobacco product provisions of the FD&C Act (chapter IX of the FD&C Act). The total amount of user fees to be collected for each fiscal year is specified in section 919(b)(1) of the FD&C Act, and under section 919(a) FDA is to assess and collect a proportionate amount each quarter of the fiscal year. The FD&C Act provides for the total assessment to be allocated among the classes of tobacco products. The class allocation is based on each tobacco product class' volume of tobacco product removed into commerce. Within each class of tobacco products, an individual domestic manufacturer or importer is assessed a user fee based on its share of the market for that tobacco product class.

In the **Federal Register** of September 11, 2018 (83 FR 45937), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received that was not PRA related.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1150.5(a), (b)(1) and (2), and Form FDA 3852; General identifying information provided by manufacturers and importers of FDA regulated tobacco products and identification and removal information (monthly)	658	12	7,896	3	23,688
1150.5(b)(3); Certified copies (monthly)	658	12	7,896	1	7,896
1150.13; Submission of user fee information (identifying information, fee amount, etc.) (quarterly)	329	4	1,316	1	1,316
1150.15(a); Submission of user fee dispute (annually)	5	1	5	10	50
1150.15(d); Submission of request for further review of dispute of user fee (annually)	3	1	3	10	30
Total					32,980

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that 658 entities will submit tobacco product user fees. The entity count was derived from aggregate data provided by the Alcohol and Tobacco Tax and Trade Bureau (TTB), and reflects that in 2017 there were 192 total permitted manufacturers and 466 permitted importers over all tobacco product types for which TTB collects excise taxes (including cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco, excluding electronic nicotine delivery systems).

The estimate of 658 respondents to provide the information requested from § 1150.5(a), (b)(1) and (2) (21 CFR 1150.5(a), (b)(1) and (2)), and Form FDA 3852 reflects both reports of no removal of tobacco products into domestic commerce and reports of removal of tobacco product into domestic commerce. FDA estimates it will take 3 hours for each of these submission types for a total of 23,688 hours. Under § 1150.5(b)(3), these respondents are also expected to provide monthly certified copies of the returns and forms that relate to the removal of tobacco products into domestic commerce and the payment of Federal excise taxes imposed under chapter 52 of the Internal Revenue Code of 1986 to FDA. We estimate that each monthly report will take 1 hour for a total of 7,896 hours. The estimate of 329 respondents to submit payment of user fee information under § 1150.13 reflects an average of half the number of domestic manufacturers and importers who may be subject to fees each fiscal quarter. FDA estimates the quarterly submission will take approximately 1 hour for a total of 1,316 hours.

FDA estimates that five of those respondents assessed user fees will dispute the amounts under § 1150.15(a), for a total amount of 50 hours. FDA also estimates that three respondents who dispute their user fees will ask for further review by FDA under § 1150.15(d), for a total amount of 30 hours. FDA has only received one dispute submission since fiscal year 2015. Based on this data, the Agency does not believe we will receive more than five disputes and three requests for further reviews in the next 3 years.

FDA estimates the total annual burden for this collection of information is 32,980 hours. The estimated burden for the information collection reflects an overall increase of 16,058 hours. We attribute this adjustment to an increase in the number of entities submitting tobacco user fee information to FDA.

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10287 Filed 5–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0717]

Agency Information Collection Activities; Proposed Collection; Comment Request; Evaluation of the Food and Drug Administration's General Market Youth Tobacco Prevention Campaigns

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the evaluation of FDA's General Market Youth Tobacco Prevention Campaigns.

DATES: Submit either electronic or written comments on the collection of information by July 16, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 16, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 16, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. Insert docket number FDA–2013–N–0717 for ''Evaluation of the Food and Drug Administration's General Market Youth Tobacco Prevention Campaigns.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Evaluation of the Food and Drug Administration's General Market Youth Tobacco Prevention Campaigns

OMB Control Number 0910–0753—Extension

Rationale for and Overview of the Evaluation Studies

The 2009 Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31) amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to grant FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health and to reduce tobacco use by minors. Section 1003(d)(2)(D) of the FD&C Act (21 U.S.C. 393(d)(2)(D)) supports the development and implementation of FDA public education campaigns related to tobacco use. Accordingly, FDA is currently developing and implementing youth-targeted public education campaigns to help prevent tobacco use among youth and thereby reduce the public health burden of tobacco. The campaigns feature televised advertisements along with

complementary ads on radio, on the internet, in print, and through other forms of media.

Evaluation is an essential organizational practice in public health and a systematic way to account for and improve public health actions. Comprehensive evaluation of FDA's public education campaigns will be used to document whether the intended audience is aware of and understands campaign messages; and whether campaign exposure influences beliefs about tobacco, susceptibility to tobacco use, and tobacco use behavior. All the information collected is integral to that evaluation.

FDA is conducting three studies to evaluate the effectiveness of its youth tobacco prevention campaigns: (1) An outcome evaluation study of its General Market Youth Tobacco Prevention Campaign; (2) an outcome evaluation of the Rural Male Youth Smokeless Tobacco Campaign; and (3) a media tracking survey. The timing of these studies follows the multiple, discrete waves of media advertising planned for the campaigns. The outcome evaluation of the smokeless tobacco campaign is now complete, while the other two studies are ongoing.

The General Market Youth Tobacco Prevention Campaign

The General Market Youth Tobacco Prevention Campaign targets youth who are at-risk for smoking, or who have experimented with smoking but not progressed to regular smoking. The campaign evaluation consists of surveys conducted with two cohorts of youth and their parents or guardians. Each cohort consists of an initial baseline survey of youth aged 11 to 16, and followup surveys of the same youth at approximate 8-month intervals. At baseline, surveys are also conducted with the parent or legal guardian of each youth, to collect data on household characteristics and media use. Because youth age over the study period, the age range of youth and young adults among whom we collect data over the study period are aged 11 to 18.

Data collection associated with the first cohort, including a baseline survey and four followup surveys, is complete. We have also completed baseline data collection for the second cohort. We are planning three followup surveys of youth in the second cohort.

The Rural Male Youth Smokeless Tobacco Campaign

The Rural Male Youth Smokeless Campaign is also a longitudinal study. Baseline data for this evaluation were collected in January 2016. Followup surveys were conducted in September 2016, May 2017, January 2018, and September 2018. This portion of the study is now complete.

Media Tracking Survey

The Media Tracking Survey consists of assessments of youth aged 13 to 17 conducted periodically during the campaign period. The tracking survey assesses awareness of the campaign and receptivity to campaign messages. These data provide critical evaluation feedback to the campaigns and are conducted with sufficient frequency to match the cyclical patterns of media advertising and variation in exposure to allow for mid-campaign refinements.

Methods Used for the Evaluation Studies

All information is being collected through in-person and web-based questionnaires. Youth respondents were recruited from two sources: (1) A probability sample drawn from 90 U.S. media markets gathered using an address-based postal mail sampling of U.S. households for the outcome evaluations and (2) an internet panel for the media tracking survey. Participation in the studies is voluntary.

Purpose of the Evaluation Studies

The studies are being conducted in support of the provisions of the Tobacco Control Act, which require FDA to protect the public health and to reduce tobacco use by minors. The information being collected is necessary to inform FDA's efforts towards those goals and to measure the effectiveness and public health impact of the campaigns. Data from the outcome evaluation of the General Market and Rural Male Youth Smokeless campaigns are being used to examine statistical associations between exposure to the campaigns and subsequent changes in specific outcomes of interest, which include knowledge, attitudes, beliefs, and intentions related to tobacco use, as well as behavioral outcomes including tobacco use. Data from the media tracking survey are being used to estimate awareness of and exposure to the campaigns among youth nationally as well as among youth in geographic areas targeted by the campaign.

Request To Collect Information for the Evaluation

FDA requests an extension of the study OMB control number 0910–0753 to continue collecting data for the General Market outcome evaluation. No additional burden is requested for this portion of the information collection. FDA also requests approval for additional burden for the Media Tracking Survey. This is survey is cross-sectional and thus necessitates brief screening prior to data collection. We expect 20,000 participants to complete screener for a total of 80,000 participants (including 60,000 previously approved). At 2 minutes per screener, this adds 600 burden hours to the previously approved 1,800 hours for a total of 2,400 annualized burden hours. We expect the screening process to yield 2,000 participants, for a total of 8,000 including 6,000 previously approved. At 30 minutes per survey, this adds 1,000 burden hours to the already-approved 3,000 for a total of 4,000 annualized burden hours.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of respondent	Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
General Population	Screener and Consent Process (Youth and Parent).	17,467	1	17,467	0.17 (10 minutes) ..	2,969
Parent of Youth Baseline Survey Participants.	Parent Baseline Questionnaire.	2,667	1	2,667	0.17 (10 minutes) ..	453
Youth Aged 13 to 17	Media Tracking Screener	80,000	1	80,000	0.03 (2 minutes)	2,400
	Media Tracking Questionnaires 1st, 2nd, and 3rd.	8,000	1	8,000	0.5 (30 minutes)	4,000

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Type of respondent	Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cohort 2—Youth Aged 11 to 18.	Cohort 2—Youth Baseline Questionnaire.	2,667	1	2,667	0.75 (45 minutes) ...	2,000
	Cohort 2—Youth 1st, 2nd, 3rd Followup Questionnaire.	6,270	1	6,270	0.75 (45 minutes) ..	4,703
Totals	.....	.....	.....	.....	.....	16,525

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

To accommodate the additional data collection for media tracking, FDA requests approval to increase the number of burden hours under the existing control number. The previous number of approved screener responses for media tracking was 60,000 and the associated burden was 1,800 hours. The previous burden for the media tracking questionnaires was 6,000 and the associated burden was 3,000 hours. We are requesting an additional 20,000 screener responses and 2,000 questionnaire completions, which adds 600 burden hours and 1,000 burden hours respectively. Deducting the responses and burden for the completed evaluation components associated with Cohort 1 (general population screening (13,413 responses, 2,281 hours), parent interviews (3,342 responses, 569 hours), youth questionnaires (8,954 responses, 6,144 hours)) and for the rural smokeless evaluation (2,610 responses, 1,794 hours) results in a decrease of 6,319 annual responses and 9,187 hours.

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10320 Filed 5–16–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Council of Research Advocates, May 20, 2019, 9:30 a.m. to 4:00 p.m., National Institutes of Health, Building 40, Room 1201/1203, 40 Convent Drive, Bethesda, MD 20892 which was published in the **Federal Register** on April 11, 2019, 84 FR 14662.

This meeting notice is amended to change the meeting start time from 9:00 a.m. to 9:30 a.m. on May 20, 2019 at the National Institutes of Health, Building 40, Room 1201/1203, 40 Convent Drive, Bethesda, MD 20892. This meeting is open to the public.

Dated: May 13, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10217 Filed 5–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Resources for Technology Dissemination (U24) Review Meeting (2019/08).

Date: June 27, 2019.

Time: 9:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dennis Hlasta, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging, and Bioengineering, National Institutes of Health, Two Democracy Boulevard, Suite 920, 6707 Democracy Blvd., Bethesda, MD 20892, 301–451–4794, *dennis.hlasta@nih.gov.*

Dated: May 13, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10235 Filed 5–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Date: June 6, 2019.

Time: 1:30 p.m. to 2:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 1206, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Abraham P. Bautista, Ph.D., Executive Secretary, National Advisory Council, Director, Office of Extramural Activities, National Institute On Alcohol Abuse And Alcoholism, 6700 B

Rockledge Drive, Room 1458, MSC 6902, National Institutes Of Health, Bethesda, MD 20892, 301–443–9737, *bautista@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *https://www.niaaa.nih.gov/about-niaaa/our-work/advisory-council* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: May 13, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10219 Filed 5–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; RFA AA19–004 Specialized Alcohol Research Centers.

Date: August 13–14, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Conference Rooms B & C, Bethesda, MD 20817.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Room 2116, Rockville, MD 20852, 301–443–0800, *bbuzas@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: May 13, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10218 Filed 5–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: RP2 AAV Vectors for Treating X-Linked Retinitis Pigmentosa

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Eye Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the U.S. and foreign Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice to IVERIC bio, Inc. located in New York, NY.

DATES: Only written comments and/or applications for a license which are received by the National Eye Institute c/o National Cancer Institute's Technology Transfer Center on or before June 3, 2019 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Alan Hubbs, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, Rm. 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702, Telephone: (240)–276–5530, Email: *hubbsa@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: The following represents the intellectual property to be licensed under the prospective agreement:

Intellectually Property

1. U.S. Provisional Patent Application No. 62/131,661, filed March 11, 2015 [HHS Reference No. E–050–2015/0–US–01];

2. PCT Patent Application No. PCT/US2016/022072 filed March 11, 2016 [HHS Reference No. E–050–2015–0–PCT–03];

3. Australian Patent Application No. AU2016228751A, filed on March 11, 2016 [HHS Reference No. E–050–2015–0–AU–04];

4. Canadian Patent Application No. CA2979229A, filed on March 11, 2016 [HHS Reference No. E–050–2015–0–CA–05];

5. European Patent Application No. EP16762623.3A, filed on March 11, 2016 [HHS Reference No. E–050–2015–0–EP–06];

6. Japanese Patent Application No. JP2017547425A, filed on March 11, 2016 [HHS Reference No. E–050–2015–0–JP–07];

7. United States Patent Application No. US15/556,746, filed on March 11, 2016 [HHS Reference No. E–050–2015–0–US–08].

With respect to persons who have an obligation to assign their right, title and interest to the Government of the United States of America, the patent rights in these inventions have been assigned to the Government of the United States of America. The prospective exclusive license territory may be world-wide, and the field of use may be limited to the use of Licensed Patent Rights for the following: ''Human therapeutics for treating x-linked retinitis pigmentosa: The license will also be limited by licensed products covered by patent rights that pertain to AAV-mediated gene therapy delivering an RP2 transgene.''

This technology discloses adeno-associated virus (AAV) vectors comprising nucleotide sequences encoding RPGR–ORF15 or RP2 and related pharmaceutical compositions. It also discloses methods of treating or preventing x-linked retinitis pigmentosa, increasing photoreceptor number in the retina of a mammal, and increasing visual acuity of a mammal using the vectors and pharmaceutical compositions.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Eye Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license

application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 9, 2019.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2019–10285 Filed 5–16–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0053]

Agency Information Collection Activities: Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-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. Comments are encouraged and must be submitted (no later than July 16, 2019) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0053 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

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 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: Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers.

OMB Number: 1651–0053.

Form Number: Form 6478.

Abstract: Commercial laboratories seeking accreditation or approval must provide the information specified in 19 CFR 151.12 to Customs and Border Protection (CBP), and Commercial Gaugers seeking CBP approval must provide the information specified under 19 CFR 151.13. This information may be submitted on CBP Form 6478. After the initial approval and/or accreditation, a private company may ''extend'' its approval and/or accreditation to add facilities by submitting a formal written request to CBP. This application process is authorized by Section 613 of Public Law 103–182 (NAFTA Implementation Act), codified at 19 U.S.C. 1499(b), which directs CBP to establish a procedure to accredit privately owned testing laboratories. The information collected is used by CBP in deciding whether to approve individuals or businesses desiring to measure bulk products or to analyze importations. Instructions for completing these applications are accessible at: *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.* CBP Form 6478 is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%206478_0.pdf.*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Applications for Commercial Testing and Approval of Commercial Gaugers:

Estimated Number of Annual Respondents: 8.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 8.

Estimated Time per Response: 1.25 hours.

Estimated Total Annual Burden Hours: 10.

Record Keeping Associated with Applications for Commercial Testing and Approval of Commercial Gaugers:

Estimated Number of Respondents: 180.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 180.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 180.

Dated: May 14, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–10258 Filed 5–16–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0023]

Agency Information Collection Activities: Request for Information

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-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. Comments are encouraged and must be submitted (no later than July 16, 2019) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0023 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail:* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

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 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: Request for Information.

OMB Number: 1651–0023.

Form Number: CBP Form 28.

Abstract: Under 19 U.S.C. 1500 and 1401a, Customs and Border Protection (CBP) is responsible for appraising imported merchandise by ascertaining its value; classifying the merchandise under the tariff schedule; and assessing a rate and amount of duty to be paid. On occasions when the invoice or other documentation does not provide sufficient information for appraisement or classification, CBP may request additional information through the use of CBP Form 28, *Request for Information.* This form is sent by CBP personnel to importers, or their agents, requesting additional information. CBP Form 28 is provided for by 19 CFR 151.11. A copy of this form and instructions are available at *https://www.cbp.gov/newsroom/publications/forms?title=cbp+form+28.*

Current Actions: This submission is being made to extend the expiration date 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: 60,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 60,000.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 120,000.

Dated: May 14, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–10260 Filed 5–16–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0123]

Agency Information Collection Activities: Regulations Relating to Recordation and Enforcement of Trademarks and Copyrights

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; revision and 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. Comments are encouraged and must be submitted (no later than July 16, 2019) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0123 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

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 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: Regulations Relating to Recordation and Enforcement of Trademark and Copyrights (Part 133 of the CBP Regulations).

OMB Number: 1651–0123.

Abstract: Title 19 of the United States Code section 1526(e) prohibits the importation of articles that bear a counterfeit mark of a trademark that is registered with the United States Patent and Trademark Office (USPTO) and recorded with U.S. Customs and Border Protection (CBP). Pursuant to 15 U.S.C. 1124, the importation of articles that copy or simulate the trade name of a manufacturer or trader, or copy or simulate a trademark registered with the USPTO and recorded with CBP is prohibited. Likewise, under 17 U.S.C. 602 and 17 U.S.C. 603, the importation of articles that constitute an infringement of copyright in protected copyrighted works is prohibited. Both 15 U.S.C. 1124 and 17 U.S.C. 602, authorize the Secretary of the Treasury to prescribe by regulation for the recordation of trademarks, trade names and copyrights with CBP. Additional rulemaking authority in this regard is conferred by CBP's general rulemaking authority as found in 19 U.S.C. 1624.

CBP officers enforce these intellectual property rights at the border. The information that respondents must submit in order to seek the assistance of CBP to protect against infringing imports is specified for trademarks under 19 CFR 133.2 and 133.3, and the information to be submitted for copyrights is specified under 19 CFR 133.32 and 133.33. Trademark, trade name, and copyright owners seeking border enforcement of their intellectual property rights provide information through the recordation process in order to assist CBP officers in identifying violating articles at the border. Respondents may submit this information through the IPR e-Recordation website at *https://iprr.cbp.gov/.*

Collection Revisions

On December 15, 2017 CBP published a Final Rule in the **Federal Register** (82 FR 59511) regarding Donations of Technology and Related Support Services to Enforce Intellectual Property Rights. 19 CFR 133.61 Subpart H has been added which authorizes CBP to receive and accept donations of hardware, software, equipment, and similar technologies, as well as training and related support service, for the purpose of assisting CBP in enforcing IPR. CBP is revising this collection of information to include IPR Donations. A donation offer must be submitted to CBP either via email, to *dap@cbp.dhs.gov,* or mailed to the attention of the Executive Assistant Commissioner, Office of Field Operations, or his/her designee.

The donation offer must describe the proposed donation in sufficient detail to enable CBP to determine its compatibility with existing CBP technologies, networks, and facilities (*e.g.* operating system or similar requirements, power supply requirements, item size and weight, *etc.*). The donation offer must also include information pertaining to the donation's scope, purpose, expected benefits, intended use, costs, and attached conditions, as applicable, that is sufficient to enable CBP to evaluate the donation and make a determination as to whether to accept it. CBP will notify the donor, in writing, if additional information is requested or if CBP has determined that it will not accept the donation. If CBP accepts a donation, CBP will enter into a signed, written agreement with an authorized representative of the donor. The agreement must contain all applicable terms and conditions of the donation.

Current Actions: CBP proposes to revise and extend the expiration date of this information collection with a change to the burden hours and the information collected.

Type of Review: Revision with change.

Affected Public: Businesses and Individuals.

IPR Recordation Application:

Estimated Number of Respondents: 2,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 2,000.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 4,000.

IPR Donations:

Estimated Number of Respondents: 50.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 100.

Dated: May 14, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–10259 Filed 5–16–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2019–0016]

Privacy Act of 1974; Computer Matching Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice of a re-established matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer

Matching and Privacy Act of 1988 and the Computer Matching and Privacy Protections Amendment of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of a matching programs, notice is hereby given of the re-establishment of a matching program between the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and the Texas Workforce Commission (TWC). TWC will match against DHS–USCIS data to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) that TWC administers to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the UC it administers.

DATES: Please submit comments on or before June 17, 2019. The matching program will be effective on June 17, 2019 unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments, identified by docket number *DHS–2019–0016* by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2019–0016. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions about this matching program or to obtain additional information about the program, including requesting a copy of the Computer Matching Agreement between DHS–USCIS and TWC, please contact Jonathan M. Mills, Acting Chief, USCIS SAVE Program at (202) 306–9874. For privacy questions, please contact Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION: DHS–USCIS provides this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. 101–508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–108, 81 FR 94424 (December 23, 2016).

Participating Agencies: DHS–USCIS and TWC.

Authority for Conducting the Matching Program: Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Public Law 99–603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104–193, 110 Stat. 2168 (1996), requires DHS to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits as specified within IRCA, and to make this system available to state agencies that administer such benefits. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208, 110 State. 3009 (1996) grants federal, state or local government agencies seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency with the authority to request such information from DHS–USCIS for any purpose authorized by law.

Purpose: The purpose of this Agreement is to re-establish the terms and conditions governing TWC's access to, and use of, the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, which provides immigration status information from federal immigration records to authorized users. TWC will use the SAVE Program to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) benefits that it administers. TWC will use the information obtained through the SAVE Program to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the UC benefits administered by TWC.

Categories of Individuals: The individuals about whom DHS–USCIS maintains information, which is contained in its Verification Information System (VIS) database used by the SAVE Program to verify immigration status, that are involved in this matching program include aliens, those naturalized, and to the extent those that have applied for Certificates of Citizenship, derived U.S. citizens, on whom DHS–USCIS has a record as an applicant, petitioner, sponsor, or beneficiary. The individuals about whom TWC maintains information that is involved in this matching program include non-citizen Benefit Applicants for, or recipients of, UC administered by TWC.

Categories of Records: The categories of records involved in the data match from TWC records include information about those individuals who have applied for or are eligible for UC administered by TWC. Specifically, data elements may include: Alien Registration Number (also referred to as USCIS Number); I–94 Number; Full name; Date of Birth; Nationality; and U.S. Social Security number. Data elements contained within DHS–USCIS's records to be matched with the TWC data may consist of the following: Alien Registration Number; Full name; Country of Birth (not nationality); U.S. Social Security number (if available); Date of Entry; Immigration Status Data; and Sponsorship Data. For those individuals for whom DHS–USCIS has a record that matches a record in TWC's holdings, DHS–USCIS will provide TWC the following information: Alien Registration Number; Full name; Date of Birth; Country of Birth (not nationality); Date of Entry; Additional biographical data; Immigration Status Data; and Employment Eligibility Data.

System of Records: DHS/USCIS–004 Systematic Alien Verification for Entitlements (SAVE) System of Records Notice, 81 FR 78619 (Nov. 8, 2016).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–10210 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. 2019–0014]

Privacy Act of 1974; Computer Matching Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice of a re-established matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protections Amendment of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of a matching program between the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) and the Massachusetts Department of Unemployment Assistance (MA–DUA). MA–DUA will match against DHS–USCIS data to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) that MA–DUA administers to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the UC benefits it administers.

DATES: Please submit comments on or before June 17, 2019. The matching program will be effective on June 17, 2019 unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments, identified by docket number *DHS–2019–0014* by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2019–0014. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions about this matching program or obtain additional information about the program, including requesting a copy of the Computer Matching Agreement between DHS–USCIS and MA–DUA, please contact Jonathan M. Mills, Acting Chief, USCIS SAVE Program at (202) 306–9874. For privacy questions, please contact, Jonathan R. Cantor, (202)343–1717, Acting Chief Privacy Officer, Department of Homeland Security, Washington DC 20528–0655.

SUPPLEMENTARY INFORMATION: DHS–USCIS provides this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. 101–508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–108, 81 FR 94424 (December 23, 2016).

Participating Agencies: DHS–USCIS and MA–DUA.

Authority for Conducting the Matching Program: Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Public Law 99–603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104–193, 110 Stat. 2168 (1996), requires DHS to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits as specified within IRCA, and to make this system available to state agencies that administer such benefits. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208, 110 State. 3009 (1996) grants federal, state or local government agencies seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency with the authority to request such information from DHS–USCIS for any purpose authorized by law.

Purpose(s): The purpose of this Agreement is to establish the terms and conditions governing MA–DUA's access to, and use of, the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, which provides immigration status information from federal immigration records to authorized users. MA–DUA will use the SAVE Program to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) Programs to determine whether Benefit applicants possess the requisite immigration status to be eligible for the unemployment compensation administered by MA–DUA.

Categories of Individuals: The individuals about whom DHS–USCIS maintains information, which is contained in its Verification Information System (VIS) database used by the SAVE Program to verify immigration status, that are involved in this matching program include aliens, those naturalized, and to the extent those that have applied for Certificates of Citizenship, derived U.S. citizens, on whom DHS–USCIS has a record as an applicant, petitioner, sponsor, or beneficiary. The individuals about whom MA–DUA maintains information that is involved in this matching program include non-citizen Benefit Applicants for, or recipients of, UC administered by MA–DUA.

Categories of Records: The categories of records involved in the data match from MA–DUA records include information about those individuals who have applied for or are eligible for UC administered by MA–DUA. Specifically, data elements may include: Alien Registration Number (also referred to as USCIS Number); I–94 Number; Full name; Date of Birth; Nationality; and U.S. Social Security number. Data elements contained within DHS–USCIS's records to be matched with the MA–DUA data may consist of the following: Alien Registration Number; Full name; Country of Birth (not nationality); U.S. Social Security number (if available); Date of Entry; Immigration Status Data; and Sponsorship Data. For those individuals for whom DHS–USCIS has a record that matches a record in MA–DUA's holdings, DHS–USCIS will provide MA–DUA the following information: Alien Registration Number; Full name; Date of Birth; Country of Birth (not nationality); Date of Entry; Additional biographical data; Immigration Status Data; and Employment Eligibility Data.

System of Records: DHS/USCIS–004 Systematic Alien Verification for Entitlements (SAVE) System of Records Notice, 81 FR 78619 (Nov. 8, 2016).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–10208 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2019–0013]

Privacy Act of 1974; Computer Matching Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice of a re-established matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protections Amendment of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of a matching program between the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and the California Department of Healthcare Services (CA–DHCS). CA–DHCS will match against DHS–USCIS data to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Medicaid programs that CA–DHCS administers to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the Medicaid it administers.

DATES: Please submit comments on or before June 17, 2019. The matching program will be effective on June 17, 2019 unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments, identified by docket number *DHS–2019–0013,* by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2019–0013. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions about this matching program or obtain additional information about the program, including requesting a copy of the Computer Matching Agreement between DHS–USCIS and CA–DHCS, please contact Jonathan M. Mills, Acting Chief, USCIS SAVE Program at (202) 306–9874. For privacy questions, please contact Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION: DHS–USCIS provides this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. 101–508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–108, 81 FR 94424 (December 23, 2016).

Participating Agencies: DHS–USCIS and CA–DHCS.

Authority for Conducting the Matching Program: Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Public Law 99–603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104–193, 110 Stat. 2168 (1996), requires DHS to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits as specified within IRCA, and to make this system available to state agencies that administer such benefits. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208, 110 State. 3009 (1996) grants federal, state, or local government agencies seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency with the authority to request such information from DHS–USCIS for any purpose authorized by law.

Purpose: The purpose of this Agreement is to re-establish the terms and conditions governing CA–DHCS's access to, and use of, the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, which provides immigration status information from federal immigration records to authorized users. CA–DHCS will use the SAVE Program to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Medicaid programs that it administers. CA–DHCS will use the information obtained through the SAVE Program to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the Medicaid administered by CA–DHCS.

Categories of Individuals: The individuals about whom DHS–USCIS maintains information, which is contained in its Verification Information System (VIS) database used by the SAVE Program to verify immigration status, that are involved in this matching program include aliens, those naturalized, and to the extent those that have applied for Certificates of Citizenship, derived U.S. citizens, on whom DHS–USCIS has a record as an applicant, petitioner, sponsor, or beneficiary. The individuals about whom CA–DHCS maintains information that is involved in this matching program include non-citizen Benefit Applicants for, or recipients of, Medicaid administered by CA–DHCS.

Categories of Records: The categories of records involved in the data match from CA–DHCS records include information about those individuals who have applied for or are eligible for Medicaid administered by CA–DHCS. Specifically, data elements may include: Alien Registration Number (also referred to as USCIS Number); I–94 Number; Full name; Date of Birth; Nationality; and U.S. Social Security number. Data elements contained within DHS–USCIS's records to be matched with the CA–DHCS data may consist of the following: Alien Registration Number; Full name; Country of Birth (not nationality); U.S. Social Security number (if available); Date of Entry; Immigration Status Data; Sponsorship Data; and Document Grant Date. For those individuals for whom DHS–USCIS has a record that matches a record in CA–DHCS's holdings, DHS–USCIS will provide CA–DHCS the following information: Alien Registration Number; Full name; Date of Birth; Country of Birth (not nationality); Date of Entry; Additional biographical data; Immigration Status Data; and Employment Eligibility Data.

System of Records: DHS/USCIS–004 Systematic Alien Verification for Entitlements (SAVE) System of Records Notice, 81 FR 78619 (Nov. 8, 2016).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–10211 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2019–0012]

Privacy Act of 1974; Computer Matching Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice of a re-established matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protections Amendment of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of a matching program between the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) and the New York Department of Labor (NY–DOL). NY–DOL will match against DHS–USCIS data to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under the Unemployment Compensation (UC) programs that it administers.

DATES: Please submit comments on or before June 17, 2019. The matching program will be effective on June 17, 2019 unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments, identified by docket number DHS–2019–0012 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2019–0012. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions about this matching program or obtain additional information about the program or obtain additional information about the program, including requesting a copy of the Computer Matching Agreement between DHS–USCIS and NY–DOL, please contact Jonathan M. Mills, Acting Chief, USCIS SAVE Program at (202) 306–9874. For privacy questions, please contact Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION: DHS–USCIS provides this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Public Law 100–503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. 101–508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–108, 81 FR 94424 (December 23, 2016).

Participating Agencies: DHS–USCIS and NY–DOL.

Authority for Conducting the Matching Program: Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Public Law 99–603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104–193, 110 Stat. 2168 (1996), requires DHS to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits as specified within IRCA, and to make this system available to state agencies that administer such benefits. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208, 110 State. 3009 (1996) grants federal, state or local government agencies seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency with the authority to request such information from DHS–USCIS for any purpose authorized by law.

Purpose: The purpose of this Agreement is to re-establish the terms and conditions governing NY–DOL's access to, and use of, the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, which provides immigration status information from federal immigration records to authorized users. NY–DOL will use the SAVE Program to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) programs that it administers. NY–DOL will use the information obtained through the SAVE Program to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the UC benefits administered by NY–DOL.

Categories of Individuals: The individuals about whom DHS–USCIS maintains information, which is contained in its Verification Information System (VIS) database used by the SAVE Program to verify immigration status, that are involved in this matching program include aliens, those naturalized, and to the extent those that have applied for Certificates of Citizenship, derived U.S. citizens, on whom DHS–USCIS has a record as an applicant, petitioner, sponsor, or beneficiary. The individuals about whom NY–DOL maintains information that is involved in this matching program include non-citizen Benefit Applicants for, or recipients of, UC administered by NY–DOL.

Categories of Records: The categories of records involved in the data match from NY–DOL records include information about those individuals who have applied for or are eligible for Medicaid administered by NY–DOL. Specifically, data elements may include: Alien Registration Number (also referred to as USCIS Number); I–94 Number; Full name; Date of Birth; Nationality; and U.S. Social Security number. Data elements contained within DHS–USCIS's records to be matched with the NY–DOL data may consist of the following: Alien Registration Number; Full name; Country of Birth (not nationality); U.S. Social Security number (if available); Date of Entry; Immigration Status Data; and Sponsorship Data. For those individuals for whom DHS–USCIS has a record that matches a record in NY–DOL's holdings, DHS–USCIS will provide NY–DOL the following information: Alien Registration Number; Full name; Date of Birth; Country of Birth (not nationality); Date of Entry; Additional biographical data; Immigration Status Data; and Employment Eligibility Data.

System of Records: DHS/USCIS–004 Systematic Alien Verification for Entitlements (SAVE) System of Records Notice, 81 FR 78619 (Nov. 8, 2016).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–10205 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2019–0015]

Privacy Act of 1974; Computer Matching Program

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice of a re-established matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protections Amendment of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of a matching program between the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and the New Jersey Department of Labor and Workforce Development (NJ–LWD). NJ–LWD will match against DHS–USCIS data to verify the immigration status of non-U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) programs that NJ–LWD administers to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the UC it administers.

DATES: Please submit comments on the proposal by June 17, 2019. The matching program will be effective on June 17, 2019 unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments, identified by docket number *DHS–2019–0015* by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS 2019–0015. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions about this matching program or obtain additional information about the program, including requesting a copy of the Computer Matching Agreement between DHS–USCIS and NJ–LWD, please contact Jonathan M. Mills, Acting Chief, USCIS SAVE Program at (202) 306–9874. For privacy questions, please contact Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION: DHS–USCIS provides this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. 101–508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–108, 81 FR 94424 (December 23, 2016).

Participating Agencies: DHS–USCIS and NJ–LWD.

Authority for Conducting the Matching Program: Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Public Law 99–603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104–193, 110 Stat. 2168 (1996), requires DHS to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits as specified within IRCA, and to make this system available to state agencies that administer such benefits. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104–208, 110 State. 3009 (1996) grants federal, state or local government agencies seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency with the authority to request such information from DHS–USCIS for any purpose authorized by law.

Purpose: The purpose of this Agreement is to re-establish the terms and conditions governing NJ–LWD's access to, and use of, the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, which provides immigration status information from federal immigration records to authorized users. NJ–LWD will use the SAVE Program to verify the immigration status of non U.S. citizens who apply for federal benefits (Benefit Applicants) under Unemployment Compensation (UC) programs that it administers. NJ–LWD will use the information obtained through the SAVE Program to determine whether Benefit Applicants possess the requisite immigration status to be eligible for the UC benefits administered by NJ–LWD.

Categories of Individuals: The individuals about whom DHS–USCIS maintains information, which is contained in its Verification Information System (VIS) database used by the SAVE Program to verify immigration status, that are involved in this matching program include aliens, those naturalized, and to the extent those that have applied for Certificates of Citizenship, derived U.S. citizens, on whom DHS–USCIS has a record as an applicant, petitioner, sponsor, or beneficiary. The individuals about whom NJ–LWD maintains information that is involved in this matching program include non-citizen Benefit Applicants for, or recipients of, UC administered by NJ–LWD.

Categories of Records: The categories of records involved in the data match from NJ–LWD records include information about those individuals who have applied for or are eligible for Unemployment Compensation (UC) administered by NJ–LWD. Specifically, data elements may include: Alien Registration Number (also referred to as USCIS Number); I–94 Number; Full name; Date of Birth; Nationality; and U.S. Social Security number. Data elements contained within DHS–USCIS's records to be matched with the NJ–LWD data may consist of the following: Alien Registration Number; Full name; Country of Birth (not nationality); U.S. Social Security number (if available); Date of Entry; Immigration Status Data; and Sponsorship Data. For those individuals for whom DHS–USCIS has a record that matches a record in NJ–LWD's holdings, DHS–USCIS will provide NJ–LWD the following information: Alien Registration Number; Full name; Date of Birth; Country of Birth (not nationality); Date of Entry; Additional biographical data; Immigration Status Data; and Employment Eligibility Data.

System of Records: DHS/USCIS–004 Systematic Alien Verification for

Entitlements (SAVE) System of Records Notice, 81 FR 78619 (Nov. 8, 2016).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–10209 Filed 5–16–19; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6168–N–01]

Housing Trust Fund Federal Register Allocation Notice

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of fiscal year 2019 funding awards.

SUMMARY: The Housing and Economic Recovery Act of 2008 (HERA) established the Housing Trust Fund (HTF) to be administered by HUD. Pursuant to the Federal Housing Enterprises Financial Security and Soundness Act of 1992 (the Act), as amended by HERA, Division A, eligible HTF grantees are the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands. In accordance with Section 1338 (c)(4)(A) of the Act, this notice announces the formula allocation amount for each eligible HTF grantee.

FOR FURTHER INFORMATION CONTACT: Virginia Sardone, Director, Office of Affordable Housing Programs, Room 7164, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–7000; telephone (202) 708–268 (not a toll-free number). A telecommunications device for persons with hearing- and speech-impairments (TTY) is available by Federal Relay at (800) 877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Section 1131 of HERA Division A amended the Act to add a new section 1337 entitled ''Affordable Housing Allocations'' and a new section 1338 entitled ''Housing Trust Fund.'' HUD's implementing regulations are codified at 24 CFR part 93. Congress authorized the HTF with the stated purpose of: (1) Increasing and preserving the supply of rental housing for extremely low-income families with incomes between 0 and 30 percent of area median income and very low-income families with incomes between 30 and 50 percent of area median income, including homeless families, and (2) increasing homeownership for extremely low-income and very low-income families. Section 1337 of the Act provides for the HTF (and other programs) to be funded with an affordable housing set-aside by Fannie Mae and Freddie Mac. The total set-aside amount is equal to 4.2 basis points (.042 percent) of Fannie Mae and Freddie Mac's new mortgage purchases, a portion of which is for the HTF. Section 1338 of the Act directs HUD to establish, through regulation, the formula for distribution of amounts made available for the HTF. The statute specifies the factors to be used for the formula and priority for certain factors. The factors and methodology HUD uses to allocate HTF funds among eligible grantees are established in the HTF regulation. The funding announced for Fiscal Year 2019 through this notice is $247,666,778.80. Appendix A to this notice provides the names of the grantees and the amounts of the awards.

Dated: May 7, 2019.

David C. Woll, Jr.,

Acting Assistant Secretary for Community Planning and Development.

Appendix

A: FY 2019 Housing Trust Fund Allocation Amounts

Grantee	FY 2019 allocation
1. Alabama	$3,000,000
2. Alaska	3,000,000
3. Arizona	3,801,428
4. Arkansas	3,000,000
5. California	32,376,690.80
6. Colorado	3,362,850
7. Connecticut	3,045,567
8. Delaware	3,000,000
9. District of Columbia	3,000,000
10. Florida	9,414,324
11. Georgia	5,277,949
12. Hawaii	3,000,000
13. Idaho	3,000,000
14. Illinois	8,575,518
15. Indiana	3,625,159
16. Iowa	3,000,000
17. Kansas	3,000,000
18. Kentucky	3,000,000
19. Louisiana	3,000,000
20. Maine	3,000,000
21. Maryland	3,391,627
22. Massachusetts	5,152,337
23. Michigan	5,363,424
24. Minnesota	3,228,942
25. Mississippi	3,000,000
26. Missouri	3,647,539
27. Montana	3,000,000
28. Nebraska	3,000,000
29. Nevada	3,000,000
30. New Hampshire	3,000,000
31. New Jersey	6,968,067
32. New Mexico	3,000,000
33. New York	19,152,427
34. North Carolina	5,259,160
35. North Dakota	3,000,000
36. Ohio	6,190,138
37. Oklahoma	3,000,000
38. Oregon	3,451,918
39. Pennsylvania	6,879,626
40. Rhode Island	3,000,000
41. South Carolina	3,000,000
42. South Dakota	3,000,000
43. Tennessee	3,377,390
44. Texas	10,956,435
45. Utah	3,000,000
46. Vermont	3,000,000
47. Virginia	4,432,124
48. Washington	4,740,488
49. West Virginia	3,000,000
50. Wisconsin	3,731,220
51. Wyoming	3,000,000
52. American Samoa	10,338
53. Guam	83,620
54. Northern Mariana Islands	46,034
55. Puerto Rico	1,034,301
56. Virgin Islands	90,138
Total	$247,666,778.80

[FR Doc. 2019–10337 Filed 5–16–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[19X.LLIDI00000.L71220000.EO0000. LVTFDX402300.241A.4500132833]

Notice of Availability of the Final Environmental Impact Statement for the Proposed Caldwell Canyon Mine Project, Caribou County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the proposed Caldwell Canyon Mine Project and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the Caldwell Canyon Mine Final EIS are available for public inspection at the BLM Pocatello Field Office at the following address: 4350 Cliffs Drive, Pocatello, ID 83204. Interested persons may also review the Final EIS online at the BLM Land Use Planning and NEPA Register website: *https://bit.ly/2SaxWcO.*

FOR FURTHER INFORMATION CONTACT: Bill Volk, Planning and NEPA Specialist, BLM Pocatello Field Office by mail or in person at 4350 Cliffs Drive, Pocatello, ID 83204; by phone at 208–236–7503; by email at *wvolk@blm.gov;* and by fax at 208–478–6376. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Volk. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Volk. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: P4 Production, LLC (P4 Production), a subsidiary of Bayer AG, developed and submitted a Mine and Reclamation Plan (M&RP) application (the proposed action in the Final EIS) for the Caldwell Canyon Mine. The proposed action reflects P4 Production's desire to exercise its exclusive mineral development rights granted by the United States Federal phosphate leases IDI–000002, IDI–014080, and IDI–013738; and by the State of Idaho mineral lease E07959. P4 Production proposes to construct and operate a new 1,559-acre surface mine with associated haul roads, a rail shipping point, and other ancillary facilities. The mine would place waste rock into the nearby inactive Dry Valley Mine pit on Federal phosphate lease IDI–014184. Modifications to enlarge the phosphate lease boundaries are necessary to recover all ore that exists adjacent to the leased deposit. The M&RP requests authorization for a related haul road across BLM-managed land as described in the Final EIS. The mine would operate for approximately 40 years. The Final EIS fully evaluates alternatives to the proposed action, including a No Action alternative, and addresses issues identified during initial scoping for the EIS, from public comments on the Draft EIS, and from the BLM's analysis. In accordance with 40 CFR 1502.14(e), the BLM has identified Alternative 1 in the Final EIS as the preferred alternative.

The BLM will make decisions to either approve, approve with modification, or deny the M&RP application. In addition, the BLM will decide whether to modify (enlarge) the lease boundaries and grant authorization for a haul road across Federal land. The Notice of Availability of the Draft EIS published on November 30, 2018, initiating a 45-day public comment period. The public comments resulted in additional information regarding water quality and quantity, wildlife, habitat conversion, noise, safety, socioeconomics, tribal interests, cultural resources, vegetation, visual quality, mine reclamation, financial assurance, mitigation measures, and environmental monitoring of mine operations being included in the Final EIS.

The Idaho Department of Environmental Quality, Idaho Department of Lands, the U.S. Army Corps of Engineers, and the Idaho Governor's Office of Energy and Mineral Resources are cooperating agencies.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

John F. Ruhs,

Idaho State Director.

[FR Doc. 2019–10146 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTB010–L16100000–DP0000]

Notice of Availability of the Draft Missoula Resource Management Plan and Associated Environmental Impact Statement, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Missoula Field Office has prepared a Draft Resource Management Plan (RMP) with an associated Draft Environmental Impact Statement (EIS) for BLM public lands and resources managed by the Missoula Field Office and by this notice is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft RMP/Draft EIS within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability of the Draft RMP/Draft EIS in the **Federal Register**. The BLM will announce future meetings or hearings and any other public participation activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Missoula Draft RMP/Draft EIS by any of the following methods:

- *Website: https://1.usa.gov/21RNCPG.*
- *Mail:* Missoula Field Office Attn: Missoula RMP, 3255 Fort Missoula Road, Missoula, MT 59804.

Copies of the Missoula Draft RMP/Draft EIS are available at the Missoula Field Office at the above address, or may be viewed at: *https://1.usa.gov/21RNCPG.*

FOR FURTHER INFORMATION CONTACT: Maggie Ward, RMP Project Manager, Missoula Field Office, at (406) 329–3914, at the above mailing list or website. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Ward during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Missoula Draft RMP/Draft EIS covers approximately 163,000 acres of BLM-managed public lands and 267,000 acres of Federal mineral estate in western Montana in Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli, and Sanders counties. Over 99 percent of the BLM-managed public lands are in Granite, Missoula and Powell counties. The planning area is currently managed under the Garnet Resource Area RMP (1986). This planning effort would update management guidance from the Garnet Resource Area RMP, as amended, and create a new Missoula RMP.

The planning effort is needed to identify goals, objectives, and management actions for the BLM-managed public lands. Public involvement opportunities occurred during scoping to help identify planning issues that directed the formulation of alternatives and framed the scope of analysis in the Draft RMP/Draft EIS. Key issues identified included forest vegetation management, wildland fire resiliency and management, forest products, Threatened and Endangered species management, big game habitat management, livestock grazing, access, recreation management, and special designation management including the Lewis and Clark National Historic Trail. This plan also considers lands with wilderness characteristics, wild and scenic rivers, Areas of Critical Environmental Concern (ACECs), lands and realty, minerals, and visual resources.

The Draft RMP/Draft EIS evaluates three alternatives in detail. Alternative A is the No Action Alternative, which is a continuation of current management in the existing Garnet Resource Area RMP (1986).

Alternative B is the agency preferred alternative. Alternative B focuses on active forest management and allows for the broadest range of management tools to provide forest products and meet forest management objectives. Alternative B provides for moving forest vegetative communities to the natural range of variability to provide for priority wildlife habitat and sustainable forest products at a greater rate with increased forest treatments. Alternative B allows more lands to be available for livestock grazing as a management tool. Alternative B allocates the most acres of special recreation management areas.

Alternative C would have less active forest management and emphasizes priority areas for wildlife habitat and vegetation, while allowing for modest development of forest resources. Alternative C aims to move forested ecosystems towards the natural range of variability with an emphasis on natural processes and less active management (lower amounts of forest treatments). Alternative C focuses on wildlife-dependent recreation with four Backcountry Conservation Areas aimed at hunting, fishing, and big game habitat objectives. Alternative C identifies a wider corridor for the Lewis and Clark National Historic Trail.

Pursuant to 43 CFR 1610.7–2(b), this notice announces a concurrent public comment period for potential ACECs. The proposed ACECs include:

- *Bear Creek Flats:* (565 acres) Alternative A;
- *Limestone Cliffs:* (20 acres) Alternatives A and C; and
- *Phil Wright Rock:* (640 acres) Alternatives B and C.

The ACECs are proposed to protect biological, botanical, geologic, recreational and scenic values. If formally designated, the following management prescriptions could apply to potential ACECs, depending on proposed management prescriptions for each proposed ACEC: Avoid or exclude ROWs; close to non-energy solid leasable mineral leasing; close to mineral materials disposal; recommend withdrawal of locatable mineral development; close to saleable mineral development; manage for higher visual resource values; close or limit motorized and/or off-highway vehicle travel to designated routes; close to commercial timber harvest.

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.

Authority: 40 CFR 1506.6 and 43 CFR 1610.2.

Donato J. Judice,

Acting State Director.

[FR Doc. 2019–10147 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fish and Wildlife Service

[DOI–BLM–NV–W030–2015–0007–EIS MO #4500132167]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Hycroft Mine Phase II Expansion Project, Humboldt and Pershing, Counties, Nevada

AGENCY: Bureau of Land Management, Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Black Rock Field Office, Winnemucca, Nevada and the U.S. Fish and Wildlife Service (USFWS) have prepared a joint Draft Environmental Impact Statement (EIS) and by this notice are announcing the beginning of the public comment period to solicit public comments on the Draft EIS. The BLM is the lead agency in development of the Draft EIS and will be evaluating Hycroft Resource and Development, Inc.'s (HRDI's) request for the proposed expansion of their gold and silver mining operations at the existing Hycroft Mine. The USFWS is a coordinating agency with the BLM on the development of this Draft EIS and will evaluate the applicant's Eagle Conservation Plan (ECP), which describes their request to remove inactive (*i.e.,* outside the nesting season) eagle nests and a 30-year incidental take permit for golden eagles under the Bald and Golden Eagle Protection Act (Eagle Act).

DATES: This notice initiates the public comment period for the Draft EIS. Comments may be submitted in writing until July 1, 2019. The date(s) and location(s) of any comment meetings will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *https://go.usa.gov/xEmuU*. In order to be included in the Draft EIS, all comments must be received prior to the close of the 45-day public comment period. We will provide additional opportunities for public participation upon publication of the Final EIS.

ADDRESSES: You may submit comments related to the Hycroft Mine Phase II Expansion Project by any of the following methods:

Project Mining Expansion:

- *Website: https://go.usa.gov/xEmuU*
- *Email: wfoweb@blm.gov*
- *Fax:* (775) 623–1503
- *Mail:* 5100 E. Winnemucca Blvd., Winnemucca, NV 89445

Eagle Take Permit:

- *Email: fw8_eaglepermits@fws.gov*
- *Fax:* (916) 414–6486
- *Mail:* 2800 Cottage Way, W–2605, Sacramento, CA 95825

FOR FURTHER INFORMATION CONTACT: For questions about the proposed mine expansion contact Taylor Grysen BLM Project Manager, telephone: (775) 623–1500, address: 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445. For questions about the eagle take permit contact: Heather Beeler—USFWS Project Manager, telephone: (916) 414–6651, address: 2800 Cottage Way, W–2605, Sacramento, California 95825. Contact Taylor Grysen to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: HRDI has proposed an expansion to their gold and silver mining operations at the existing Hycroft Mine, which is located approximately 55 miles west of Winnemucca, Nevada, in Humboldt and Pershing Counties. The Hycroft Mine Phase II Expansion Project (Project) proposes to increase the authorized Plan of Operations (Plan) boundary to 27,835 acres, of which 26,082 acres would be on BLM-administered public lands. Under the proposed Project, the surface disturbance would increase by 8,737 acres, from 6,144 acres to 14,881 acres, which includes 13,141 acres located on land administered by the BLM Black Rock Field Office. Surface disturbance on private land would decrease by 44 acres, from 1,784 acres to 1,740 acres. The proposed Project would include the following activities: Expanding the authorized Plan boundary to the east;

extending mining and ore processing activities to 2041; increasing the rate of process water pumping and extending until 2041; constructing and operating the Northeast Tailings Storage Facility (TSF) and associated pipeline corridor and haul road; constructing and operating the North Heap Leach Facility (HLF) East expansion and associated solution ponds; expanding the existing Brimstone Pit below the pre-mining groundwater table; conducting active dewatering of the Brimstone Pit through the installation and operation of dewatering wells; conducting passive dewatering within the expanded pit footprint; expanding the South Waste Rock Facility (WRF); modifying the approved land use in the South Processing Complex to allow for the option of constructing the Southwest WRF in place of the complex, if desired; modifying waste backfill plans with respect to the proposed mining plan; expanding haul and secondary roads around the pits, WRFs, HLFs, and TSF; modifying the milling operation to process ore in an ambient oxidation and leaching process; constructing and operating an oxygen plant; constructing stormwater diversions, installing culverts, and other stormwater controls; constructing growth media stockpiles; incorporating four HRDI rights-of-way (ROWs) (microwave repeater site and road [NVN046292], Floka access road [NVN054893], buried pipeline, wells, power distribution and access roads [NVN046564], and road and water pipeline [NVN039119]) that exist wholly within the authorized Plan boundary into the amendment to the Plan and relinquish the ROWs with the BLM; continuing use of the well field ROW; relocating rangeland improvement facilities within the footprint of the Northeast TSF; rerouting Rosebud Road around the Northeast TSF; reallocating 10 acres of exploration disturbance on private land to public land; and implementing the authorized and proposed additional applicant-committed Environmental Protection Measures to new facilities and activities. In addition, the Project would affect golden eagle nests and territories; therefore, HRDI has requested authorization from the USFWS to remove inactive eagle nests and a 30-year incidental take permit for golden eagles under the Eagle Act. HRDI's ECP is the foundation of the permit application and contains commitments to avoid, minimize, and mitigate adverse effects on golden eagles resulting from the implementation of the Project.

The purpose of this comment period is for the public to comment on the Draft EIS. The Draft EIS, through scoping, has identified and analyzed impacts to the following resources areas: Air and atmospheric resources; cultural resources (including National Historic Trails); noxious weeds, invasive species, and nonnative species; migratory birds; Native American religious concerns; wastes and materials (hazardous and solid); water quality (surface and ground); geology, minerals, and energy; golden eagles; lands and realty; paleontology; rangeland management; recreation; social values and economics; soils; special status species (plants and wildlife); transportation and access; vegetation; visual resources; and wildlife.

The Draft EIS describes and analyzes the proposed Project's direct, indirect, and cumulative impacts on all affected resources. In addition to the Mine Expansion Proposed Action (BLM Decision) and the Eagle Take Permit Proposed Action (USFWS Eagle Permit Decision), the following alternatives are also analyzed in the document: The Mine Expansion Alternative A (BLM Alternative Decision), referred to as Alternative A; Eagle Take Permit Alternative A (USFWS Alternative A Eagle Permit Decision); the BLM No Action Alternative; and the USFWS No Action Alternative.

The BLM and USFWS have consulted and continue to consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts to Indian trust assets and potential impacts to cultural resources have been analyzed in the Draft EIS. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed Project that the BLM and USFWS is evaluating, are invited to participate in the comment process.

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.

Authority: 40 CFR 1501.7.

Mark Hall,

Field Manager, Bureau of Land Management, Black Rock Field Office.

Jody Holzworth,

Deputy Regional Director, Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2019–10290 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L13200000 DS0000 LXSSK1700000 19X LLWYP07000]

Notice of Availability for the Draft Supplemental Environmental Impact Statement and Potential Amendment for the Approved Resource Management Plan for the Buffalo Field Office, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Wyoming Buffalo Field Office is preparing a Supplemental Environmental Impact Statement (EIS) for the 2015 Buffalo Field Office Approved Resource Management Plan (RMP). This effort is in response to a United States District Court of Montana opinion and order (*Western Organization of Resource Councils, et al.* v. *BLM*). By this notice, the BLM is announcing the opening of the public comment period on the Draft Supplemental EIS.

DATES: To ensure that we can adequately consider all comments, the BLM must receive written comments by August 15, 2019. During the public comment period, the BLM will hold a public meeting to discuss the project with interested parties. The BLM will announce this meeting through local news media, newsletters, our ePlanning website (*http://go.usa.gov/xP6S3*), and the BLM website (*http://www.blm.gov/wyoming*) at least 15 days prior to the meeting.

ADDRESSES: You may submit comments related to the Draft Supplemental EIS by any of the following methods:

- *Website: http://go.usa.gov/xP6S3.*
- *Email: blm_wy_bfo_coal_seis@blm.gov.*
- *Mail:* Buffalo RMP SEIS, Attn: Thomas Bills, Project Manager, BLM

Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834.

FOR FURTHER INFORMATION CONTACT: For further information or to have your name added to our mailing list, contact Thomas (Tom) Bills, RMP Supplemental EIS Project Manager; Telephone 307–684–1133; or at the above mailing address or email. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 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 2015 Buffalo Approved RMP provides a single, comprehensive land use plan that guides management of BLM-administered lands and minerals in the Buffalo Field Office, which consists of approximately 800,000 acres of BLM surface land and 4.7 million acres of BLM mineral estate in Campbell, Johnson, and Sheridan counties in north-central Wyoming.

Based on the court decision *Western Organization of Resource Councils, et al.* v. *BLM* (CV 16–21–GF–BMM; 3/23/2018 and 7/31/2018); feedback from cooperating agencies and stakeholders; and public scoping, the BLM developed and analyzed a No Action Alternative and an Action Alternative, which are detailed in the Draft Supplemental EIS. The alternatives focus solely on the leasing of BLM-administered coal, in response to the court order.

The No Action Alternative represents the decision area from the 2015 RMP and brings forward all management decisions that precluded coal development in the 2015 RMP. It relies on the decisions from the 2001 coal screening process that informed the 2015 RMP, but uses an updated 2018 coal production baseline. The BLM also used the 2019 U.S. Energy Information Administration development forecast to project development over the 20-year planning period. The No Action Alternative covers a total area of approximately 968,252 acres, including approximately 59.324 billion tons of BLM-administered coal reserves.

The Action Alternative also uses the 2018 coal production baseline and the 2019 U.S. Energy Information Administration development forecast. In addition, the Action Alternative applies new coal screens (as described in 43 CFR 3420.1–4(e)), considers new scientific and GIS data, and evaluates issues identified through internal and public scoping. Based on these factors, the Action Alternative area contains approximately 328,578 acres, including approximately 37.345 billion tons of BLM-administered coal reserves.

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.

Authority: 43 CFR 1610.2(c) and 3420.1–2.

Mary Jo Rugwell,

Wyoming State Director.

[FR Doc. 2019–10289 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L16100000 DS0000 LXSS036E0000 19X LLMTC020000]

Notice of Availability of the Draft Amendment to the Approved Resource Management Plan for the Miles City Field Office, Montana, and the Associated Supplemental Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Montana Miles City Field Office has prepared a Supplemental Draft Environmental Impact Statement (EIS) for the 2015 Miles City Field Office Approved Resource Management Plan (RMP). This effort is in response to a United States District Court of Montana opinion and order (*Western Organization of Resource Councils, et al.* v. *BLM*). By this notice, the BLM is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft Supplemental EIS within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability of the Supplemental Draft EIS in the **Federal Register**. The BLM will announce future meetings and any other public participation activities at least 15 days in advance through public notices, media releases and/or mailings.

ADDRESSES: You may submit comments related to the Supplemental Draft EIS by any of the following methods:

- *Website: https://go.usa.gov/xmbE4.*
- *Mail:* Miles City Field Office; Irma Nansel; 111 Garryowen Road, Miles City, MT 59301.

Copies of the Supplemental Draft EIS are available at the Miles City Field Office at the above address, or may be viewed at: *https://go.usa.gov/xmbE4.*

FOR FURTHER INFORMATION CONTACT: Irma Nansel, RMP Supplemental EIS Project Manager, Miles City Field Office, at (406) 233–3653, or at the above mailing address or website. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Nansel during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 2015 Miles City Approved RMP provides a single, comprehensive land use plan that guides management of BLM-administered lands and minerals in the Miles City Field Office, which consists of approximately 2.7 million acres of BLM surface land and 10.6 million acres of BLM mineral estate across 17 counties in eastern Montana.

Based on the above-referenced court decision, feedback from cooperating agencies and stakeholders, and public scoping, the BLM developed and analyzed a No Action Alternative and two Action Alternatives, which are detailed in the Supplemental Draft EIS.

The No Action Alternative represents the decision area from the 2015 RMP and brings forward all management decisions that precluded coal development in the 2015 RMP. It relies on the decisions from the 1985 Power River RMP and 1996 Big Dry RMP coal screening process. The No Action Alternative includes a total area of approximately 1,581,240 acres available for further consideration for leasing of BLM-administered coal.

The Action alternatives applied the coal screens (43 CFR 3420.1–4(e)) using current data and evaluate the issues identified through internal and public scoping. The Action alternatives also address the NEPA deficiencies identified by the court order associated with the application of the multiple-use screen. Alternative B considers the development of air resources as a multiple-use screen in accordance with

the Clean Air Act. Alternative C applies an air resource multiple-use screen that encompasses greenhouse-gas emission criteria limited to coal development tied to existing mining areas. Based on these factors, Alternative B area contains approximately 990,815 acres available for further consideration for leasing of BLM-administered coal; and Alternative C area contains approximately 144,877 acres available for further consideration for leasing of BLM-administered coal.

The BLM revised the reasonable-foreseeable development scenario used in the 2015 Miles City RMP using current coal production from existing mines to forecast development over the 20-year planning period. The revised scenario was applied to all alternatives.

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, the BLM cannot guarantee that it will be able to do so.

Authority: 40 CFR 1506.6 and 43 CFR 1610.2.

Donato J. Judice,

Acting State Director.

[FR Doc. 2019–10288 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTL060–L16100000–DP0000]

Notice of Availability of the Draft Lewistown Resource Management Plan Revision and Associated Environmental Impact Statement, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Lewistown and Butte Field Offices have prepared a Draft Resource Management Plan (RMP) with an associated Draft Environmental Impact Statement (EIS) for BLM public lands and resources managed by the Lewistown Field Office and a portion of the Butte Field Office in northern Lewis and Clark County, Montana, and by this notice are announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft RMP/Draft EIS within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability of the Draft RMP/Draft EIS in the **Federal Register**. The BLM will announce future meetings or hearings and any other public participation activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Lewistown Draft RMP/Draft EIS by any of the following methods:

- *Website: https://bit.ly/2lUdsb2*
- *Mail:* Lewistown Field Office, Attn: Lewistown RMP, 920 NE Main Street, Lewistown, MT 59457

Copies of the Lewistown Draft RMP/Draft EIS are available in the Lewistown Field Office at the above address, or may be viewed at: *https://bit.ly/2lUdsb2*.

FOR FURTHER INFORMATION CONTACT: Dan Brunkhorst, RMP Project Manager, Lewistown Field Office, at (406) 538–1981, and at the above mailing address or website. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Brunkhorst during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Lewistown Draft RMP/Draft EIS covers approximately 651,200 acres of BLM-managed public lands and 1,196,800 acres of Federal mineral estate in central Montana in Cascade, Fergus, Judith Basin, Meagher, Petroleum, Pondera, Teton, Chouteau, and Lewis and Clark counties. These lands and minerals are managed by two BLM offices located in Lewistown and Butte, Montana. The RMP will fulfill the needs and obligations set forth by NEPA, FLPMA, and BLM management policies. The RMP will reflect the changing needs of the planning area over the next several decades, and will replace the current Headwaters and Judith RMPs, as amended, that were developed in 1984 and 1994, respectively.

The planning effort is needed to identify goals, objectives, and management actions for the BLM-managed public lands. The BLM used public scoping comments to help identify planning issues that directed the formulation of alternatives and framed the scope of analysis in the Draft RMP/Draft EIS. Resource issues identified included air quality, soil and water resources, vegetation, geology, cave and karst features, fish and wildlife, special status species, wildland fire management, cultural and paleontological resources, wilderness characteristics, and visual resource values. The plan also considers resource uses including livestock grazing; delineation of lands open, closed, or subject to special stipulations or mitigation measures for minerals and energy development; forest, woodland, and special forest products; recreation, visitor services, access, and travel management designations; and lands and realty actions including rights-of-way (ROWs), withdrawals, and land tenure adjustments. Special designations, social and economic conditions, tribal interests, and public safety are also addressed.

The Draft RMP/Draft EIS evaluates four alternatives in detail.

Alternative A is the No Action Alternative, which is a continuation of current management direction in the existing Judith and Headwaters RMPs.

Alternative B emphasizes managing habitats for priority plant, wildlife, and fish species while providing modest development of resource uses. Alternative B also emphasizes hunting, fishing, and other recreation through Backcountry Conservation Areas and management of lands with wilderness characteristics.

Alternative C is the agency preferred alternative. Alternative C emphasizes resource uses on BLM-administered lands and mineral estate targeting social and economic outcomes while protecting land health. Alternative C employs less special management designations for resource use objectives.

Alternative D emphasizes resource uses and a variety of management prescriptions (*e.g.,* recreation management areas, Areas of Critical Environmental Concern (ACECs), Visual Resource Management) to address the use and conservation of natural and cultural resources, while sustaining and enhancing forest and range health across the landscape.

Pursuant to 43 CFR 1610.7–2(b), this notice announces a concurrent public comment period for potential ACECs. The proposed ACECs include:

- Acid Shale-Pine Forest: (2,700 acres) Alternatives A, B, and D;
- Blacktail Creek: (1,200 acres) Alternative B;
- Blind Horse: *(4,900 acres) Alternatives B and D;*

- Chute Mountain: (3,200 acres) Alternatives B and D;
- Collar Gulch: (1,500 acres) Alternative A; (2,700 acres) Alternatives B and D;
- Deep Creek/Battle Creek: (3,100 acres) Alternatives B and D;
- Ear Mountain: (1,800 acres) Alternatives B and D;
- Judith Mountains Scenic: (3,800 acres) Alternative A; (4,800 acres) Alternative B;
- Square Butte: (1,900 acres) Alternative A; (2,700 acres) Alternatives B and D; and
- Sun River: (4,900 acres) Alternatives B and D.

The ACECs are proposed to protect biological, botanical, cultural, paleontological, geologic, and scenic values. If formally designated, the following management prescriptions could apply to potential ACECs, depending on proposed management prescriptions for each proposed ACEC: Avoid or exclude ROWs; close to, or constraints on, fluid leasable mineral development; close to non-energy solid leasable mineral leasing; close to mineral materials disposal; recommend withdrawal of locatable mineral development; close to saleable mineral development; manage for higher visual resource values; close or limit motorized and/or off-highway vehicle travel to designated routes; close to commercial timber harvest; close to casual collection of invertebrate and plant fossils; and pursue legal access through acquisition.

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.

(Authority: 40 CFR 1506.6 and 43 CFR 1610.2)

Donato J. Judice,

Acting State Director.

[FR Doc. 2019–10148 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–DN–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–018]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 24, 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–621 and 731–TA–1447 (Preliminary) (Ceramic Tile from China). The Commission is currently scheduled to complete and file its determinations on May 28, 2019; views of the Commission are currently scheduled to be completed and filed on June 4, 2019.
5. *Outstanding action jackets:* None.

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: May 14, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–10422 Filed 5–15–19; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–602 and 731–TA–1412 (Final)]

Steel Wheels From China

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 an industry in the United States is materially injured by reason of imports of steel wheels from China, provided for in subheadings 8708.70.45, 8708.70.60, and 8716.90.50 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''), and to be subsidized by the government of China.[2] [3]

[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] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing and antidumping duty orders on steel wheels from China.

[3] Chairman David S. Johanson and Commissioner Meredith M. Broadbent dissenting.

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective March 27, 2018, following receipt of a petition filed with the Commission and Commerce by Accuride Corporation, Evansville, Indiana, and Maxion Wheels Akron LLC, Akron, Ohio. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of steel wheels from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations 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** on November 30, 2018 (83 FR 61672). The schedule was revised in a subsequent notice published in the **Federal Register** on February 12, 2019 (84 FR 3485). The hearing was held in Washington, DC, on March 14, 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 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on May 13, 2019. The views of the Commission are contained in USITC Publication 4892 (May 2019), entitled *Steel Wheels from China: Investigation Nos. 701–TA–602 and 731–TA–1412 (Final).*

By order of the Commission.

Issued: May 13, 2019.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2019–10230 Filed 5–16–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1446 (Preliminary)]

Sodium Sulfate Anhydrous From Canada

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 there is a reasonable indication that an industry in the United States is materially injured by reason of imports of sodium sulfate anhydrous from Canada, provided for in subheadings 2833.11.10 and 2833.11.50 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'').[2] [3]

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. 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 an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. 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 of all persons, or their representatives, who are parties to the investigation.

Background

On March 28, 2019, Cooper Natural Resources, Inc., Fort Worth, Texas; Elementis Global LLC, East Windsor, New Jersey; and Searles Valley Minerals, Inc., Overland Park, Kansas, filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of sodium sulfate anhydrous from Canada. Accordingly, effective March 28, 2019, the Commission, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1446 (Preliminary).

Notice of the institution of the Commission's investigation 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** of April 3, 2019 (84 FR 13066). The conference was held in Washington, DC, on April 18, 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 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on May 13, 2019. The views of the Commission are contained in USITC Publication 4895 (May 2019), entitled *Sodium Sulfate Anhydrous from Canada: Investigation No. 731–TA–1446 (Preliminary).*

By order of the Commission.

Issued: May 13, 2019.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2019–10229 Filed 5–16–19; 8:45 am]

BILLING CODE 7020–02–P

[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 17138 (April 29, 2019).

[3] Chairman David S. Johanson and Commissioner Meredith M. Broadbent dissenting.

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on April 17, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adolf Meller Co. d/b/a Meller Optics Inc., Providence, RI; Aerojet Rocketdyne Coleman Aerospace, Orlando, FL; Aleta Technologies, Inc., Huntsville, AL; All Points Logistics, LLC, Merritt Island, FL; Area-I, Inc., Kennesaw, GA; Attollo Engineering LLC, Camarillo, CA; Auburn University, Auburn, AL; Augustine Die & Mold, Inc., Somerset, PA; BAE Systems—Technology Solutions & Services Inc., Rockville, MD; Carleton Technologies, Inc. dba Cobham Mission Systems, Orchard Park, NY; COI Ceramics, Inc., San Diego, CA; ColdQuanta, Inc., Boulder, CO; Cruz Associates, Inc., Yorktown, VA; Eastern Research Group, Inc. (ERG), Lexington, MA; ExoAnalytic Solutions, Inc., Foothill Ranch, CA; Fischer Custom Communications, Inc., Torrance, CA; Flyer Defense, LLC, Los Angeles, CA; Gleason Research Associates Incorporated, Huntsville, AL; Great Lakes Sound and Vibration, Inc., Houghton, MI; Harris Corporation—Space and Intelligence Systems, Rochester, NY; HDT Expeditionary Systems, Inc., Fredericksburg, VA; Innovative Defense Technologies, Arlington, VA; Insight Engineering Solutions, Townsend, DR; Integrity Applications Inc. (IAI), Chantilly, VA; IOMAX USA, Inc., Mooresville, NC; IQ-Analog, San Diego, CA; Israel Military Industries Services USA Inc., Bethesda, MD; Johnson Technology Systems, Inc., Dover, NJ; Keysight Technologies, Inc., Santa Rosa, CA; Kyma Technologies, Inc., Raleigh, NC; Lehigh University, Bethlehem, PA; Luna Innovations Incorporated, Roanoke, VA; LUXUS ARMS LLC, Mount Orab, OH; M.S.M. Industries, Inc., Riverside, CA; ManTech Advanced Systems International, Inc., Herndon, VA; Maxtek Components Corporation, Beaverton, OR; Mechanical Solutions, Inc., Whippany, NJ; nLogic, LLC, Huntsville, AL; Open Chamber Systems, LLC, Enola, PA; Optical Sciences Corporation, Huntsville, AL; Paragon Research Corporation, Huntsville, AL; Penta Research Incorporated, Huntsville, AL; Precision Products, Inc., Dalton, GA; Problem Solutions, LLC, Johnstown, PA; Qualis Corporation, Huntsville, AL; Quantum Research International, Inc., Huntsville, AL; Raven Defense Corporation, Albuquerque, NM; Rayn Innovations, LLC, Tempe, AZ; Science and Engineering Services, LLC, Huntsville, AL; Scientific Research Corporation, Atlanta, GA; SciTec, Inc., Princeton, NJ; Selex Galileo Inc., Arlington, VA; Spirit AeroSystems, Inc., Wichita, KS; Stellar Exploration, Inc., San Luis Obispo, CA;

Stevens Engineering Solutions LLC, Short Hills, NJ; Technology Service Corporation—California, Los Angeles, CA; Technology Service Corporation—Connecticut, Trumbull, CT; Tiburon Associates, Inc., Grand Rapids, MI; Unconventional Concepts, Inc., Fort Walton Beach, FL; and Verity Integrated Systems, Inc., Huntsville, AL, have been added as parties to this venture.

Also, Electronics & Manufacturing Co., LLC, Columbia, MO and MS Technology, Inc., Oak Ridge, TN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on January 30, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 12, 2019 (84 FR 3493).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10328 Filed 5–16–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on April 29, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Heterogeneous System Architecture Foundation (''HSA Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Samsung Electronics Co., Ltd., Gyeonggi-Do, REPUBLIC OF KOREA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on October 9, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 24, 2018 (83 FR 53662).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10220 Filed 5–16–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act Of 1993—Border Security Technology Consortium

Notice is hereby given that, on April 18, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Border Security Technology Consortium (''BSTC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Navmar Applied Sciences Corp., Warminster, PA; SecureInsights, LLC, Washington, DC; TransCore ITS, LLC, Harrisburg, PA; BEI Communications, Inc., DBA BEI Security, San Antonio, TX; Perceptics, LLC, Farragut, TN; Tribalco, LLC, Bethesda, MD; Surface Optics Corporation, San Diego, CA; ITI Solutions, Inc., San Antonio, TX; Redstone Aviation Group, LLC, Huntsville, AL; Gatekeeper Inc., Sterling, VA; AECOM Management Services, Inc., Germantown, MD; Solute, Inc., San Diego, CA; Garud Technology Services, Inc., Ellicott City, MD; MRIGlobal, Kansas City, MO; Harrison Holdings International, LLC, Vienna, VA; and Peraton, Inc., Herndon, VA, have been added as parties to this venture.

Also, Qual-Tron, Inc., Tulsa, OK; McQ, Fredericksburg, VA; Lukos, LLC, Tampa, FL; CACI–CMS Information Systems, Inc., Fairfax, VA; CCSN, LLC, Guynabo, PR; CLS America, Lanham, MD; Command Consulting Group, Washington, DC; EADS–NA, Hernon, VA; Exelis, Inc., For Wayne, IN; Innovative Wireless Technologies, Lynchburg, VA; Liquid Robotics, Sunnyvale, CA; List Innovative Solutions, Herndon, VA; PwC Public Sector, McLean, VA; QuickFlex Inc., San Antonio, TX; Red Team Defense Group, Spring Branch, TX; Salient Federal Solutions, Fairfax, VA; SAS Institute, Cary, NC; STARA Technologies, Inc., Gilbert, AZ; Teradata Federal Systems, Inc., Annapolis Junction, MD; Terma North America, Inc., Arlington, VA; Transcend Engineering and Technology, LLC, Gaysville, VT; Ultra Electronics-Prologic, Manassas, VA; ViON Corporation, Herndon, VA; and Worldwide Aeros Corp., Montebello, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and BSTC intends to file additional written notifications disclosing all changes in membership.

On May 30, 2012, BSTC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 18, 2012 (77 FR 36292).

The last notification was filed with the Department on February 1, 2019. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 28, 2019 (84 FR 6824).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10325 Filed 5–16–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on April 24, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical CBRN

Defense Consortium (''MCDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, MAE Group LLC, Deerfield, NH; and University of Tennessee Health Science Center, Memphis, TN, have been added as parties to this venture.

Also, Bioo Scientific Corporation, Austin, TX; Excet, Inc., Springfield, VA; Rubicon Biotechnology, Lake Forest, CA; and Qrono Inc., Pittsburgh, PA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on January 28, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 28, 2019 (84 FR 6821).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10223 Filed 5–16–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0030]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 16, 2019.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.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:

(1) 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;

(2) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Financial Capability Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0030. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes non-governmental applicants to OVW grant programs that do not currently (or within the last 3 years) have funding from OVW. In accordance with 2 CFR 200.205, the information is required for assessing the financial risk of an applicant's ability to administer federal funds. The form includes a mix of check box and narrative questions related to the organization's financial systems, policies and procedures.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 40 respondents (non-governmental) applicants to OVW grant programs approximately 4 hours to complete an online assessment form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 160 hours, that is 40 applicants completing a form once as a new applicant with an estimated completion time for the form being 4 hours.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: May 13, 2019.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2019–10199 Filed 5–16–19; 8:45 am]

BILLING CODE 4410–FX–P

NATIONAL SCIENCE FOUNDATION

Business and Operations Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Business and Operations Advisory Committee (9556).

Date and Time: June 4, 2019; 1:00 p.m. to 5:00 p.m. (EST).

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia, 22314; Room E 3410.

Type of Meeting: OPEN.

Contact Person: Patty Balanga, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA, 22314; (703) 292–8100.

Purpose of Meeting: To provide advice concerning issues related to the oversight, integrity, development, and enhancement of NSF's business operations.

Agenda

Tuesday, June 4, 2019; 1:00 p.m.–5:00 p.m.

Welcome/Introductions; BFA/OIRM Updates; Workforce Planning;

Government Shutdown Lessons Learned; Subcommittee on Cost Surveillance Policy and Procedures; Committee Business/Wrap Up/Virtual Hot Wash.

Dated: May 13, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–10222 Filed 5–16–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2008–0089]

Final Interim Staff Guidance DI&C–ISG–03: Probabilistic Risk Assessment Information To Support Design Certification and Combined License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing its Final Interim Staff Guidance (ISG) DI&C–ISG–03, ''Interim Staff Guidance on Review of New Reactor Digital Instrumentation and Control Probabilistic Risk Assessment.'' This ISG served to supplement the guidance provided to the staff in Section 19.0, ''Probabilistic Risk Assessment and Severe Accident Evaluation for New Reactors,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' concerning the probabilistic risk assessment associated with review of new reactor digital instrumentation and control to support the review of design certification and combined license (COL) applications. The NRC staff issues ISG to facilitate timely implementation of the current staff guidance and to facilitate activities associated with review of applications for DC and COLs by the Office of New Reactors. The NRC staff incorporated the approved DI&C–ISG–03 into Revision 3 to Section 19.0 of NUREG–0800 dated January 2016. With the issuance of Revision 3 to Section 19.0 of NUREG–0800, the staff has determined that DI&C–ISG–03 is no longer necessary and should be withdrawn.

DATES: The date of the withdrawal of Final Interim Staff Guidance DI&C–ISG–03 is May 17, 2019.

ADDRESSES: Please refer to Docket ID NRC–2008–0089 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0089. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Bogres@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://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.*

FOR FURTHER INFORMATION CONTACT: Mr. George Wunder, Office of the New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone 301–415–1494 or email at *George.Wunder@nrc.gov.*

SUPPLEMENTARY INFORMATION: On August 11, 2008, the staff issued its Final Interim Staff Guidance, DI&C–ISG–03, ''Interim Staff Guidance on Review of New Reactor Digital Instrumentation and Control Probabilistic Risk Assessment'' (ADAMS Accession No. ML080570048). This document is being withdrawn because on January 21, 2016, the staff issued Revision 3 to Section 19.0 of NUREG–0800 (ADAMS Accession No. ML15085A093), incorporating the guidance of DI&C ISG–03 and, therefore, superseding it. Therefore, as of the date of this notice, DI&C–ISG–03 is withdrawn.

Dated at Rockville, Maryland, this 14th day of May 2019.

For the Nuclear Regulatory Commission,

Jennivine K. Rankin,

Acting Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–10314 Filed 5–16–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0110]

Final Interim Staff Guidance DC/COL–ISG–10: Review of Evaluation To Address Adverse Flow Effects in Equipment Other Than Reactor Internals

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing its Final Interim Staff Guidance (ISG) DC/COL–ISG–10, ''Review of Evaluation to Address Adverse Flow Effects in Equipment Other than Reactor Internals.'' This ISG served to supplement the guidance provided to the staff in Sections 3.9.2, ''Dynamic Testing and Analysis of Systems, Structures, and Components,'' and 3.9.5, ''Reactor Pressure Vessel Internals,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' concerning the review of probabilistic risk assessment information and severe accident assessment submitted to support design certification (DC) and combined license (COL) applications. The NRC staff issues ISG to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for DC and COLs by the Office of New Reactors. The NRC staff incorporated the approved DC/COL–ISG into Revision 4 to Sections 3.9.2 and 3.9.5 of NUREG–0800 dated March 2017. With the issuance of Revision 4 to Sections 3.9.2 and 3.9.5 of NUREG–0800, the staff has determined that DC/COL–ISG–10 is no longer necessary and should be withdrawn.

DATES: The date of the withdrawal of Final Interim Staff Guidance DC/COL–ISG–10 is May 17, 2019.

ADDRESSES: Please refer to Docket ID NRC–2009–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2009–0110. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@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 *http://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*.

FOR FURTHER INFORMATION CONTACT: Mr. George Wunder, Office of the New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–1494 or email at *George.Wunder@nrc.gov*.

SUPPLEMENTARY INFORMATION: On November 3, 2009, as noticed in the **Federal Register** (74 FR 58323), the staff issued its Final Interim Staff Guidance, DC/COL–ISG–10, ''Review of Evaluation to Address Adverse Flow Effects in Equipment Other than Reactor Internals'' (ADAMS Accession No. ML092890285). This document is being withdrawn because on March 6, 2017, the staff issued Revision 4 to Sections 3.9.2 and 3.9.5 of NUREG–0800 (ADAMS Accession No. ML16133A418), incorporating the guidance of DC/COL–ISG–10 and, therefore, superseding it. Therefore, as of the date of this notice, DC/COL–ISG–10 is withdrawn.

Dated at Rockville, Maryland, this 14th day of May 2019.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–10316 Filed 5–16–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2008–0089]

Final Interim Staff Guidance DC/COL–ISG–03: Probabilistic Risk Assessment Information To Support Design Certification and Combined License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing its Final Interim Staff Guidance (ISG) DC/COL–ISG–03, ''Probabilistic Risk Assessment Information to Support Design Certification and Combined License Applications.'' This ISG served to supplement the guidance provided to the staff in Section 19.0, ''Probabilistic Risk Assessment and Severe Accident Evaluation for New Reactors,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' concerning the review of probabilistic risk assessment information and severe accident assessment submitted to support design certification (DC) and combined license (COL) applications. The NRC staff issues ISG to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for DC and COLs by the Office of New Reactors. The NRC staff incorporated the approved DC/COL–ISG into Revision 3 to Section 19.0 of NUREG–0800 dated December 2015. With the issuance of Revision 3 to Section 19.0 of NUREG–0800, the staff has determined that DC/COL–ISG–03 is no longer necessary and should be withdrawn.

DATES: The date of the withdrawal of Final Interim Staff Guidance DC/COL–ISG–03 is May 17, 2019.

ADDRESSES: Please refer to Docket ID: NRC–2008–0089 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0089. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9221; email: *Jennifer.Borges@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://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*.

FOR FURTHER INFORMATION CONTACT: Mr. George Wunder, Office of the New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone 301–415–1494 or email at *George.Wunder@nrc.gov*.

SUPPLEMENTARY INFORMATION: On June 11, 2008, as noticed in the **Federal Register** (73 FR 34347), the staff issued Final Interim Staff Guidance (ISG) DC/COL–ISG–03, ''Probabilistic Risk Assessment Information to Support Design Certification and Combined License Applications'' (ADAMS Accession No. ML081430047). This document is being withdrawn because on January 21, 2016, the staff issued Revision 3 to Section 19.0 of NUREG–0800 incorporating the guidance of DC/COL–ISG–03 (ADAMS Accession No. ML15085A093) and, therefore, superseding it. Therefore, as of the date of this notice, DC/COL–ISG–03 is withdrawn.

Dated at Rockville, Maryland, this 14th day of May 2019.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Branch Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–10319 Filed 5–16–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–047; NRC–2016–0119]

Tennessee Valley Authority; Clinch River Nuclear Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Early site permit application; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice once each week for four consecutive weeks for an application from Tennessee Valley Authority (TVA), for an early site permit (ESP) for the Clinch River Nuclear Site located in Oak Ridge, Tennessee.

DATES: The ESP application was received on May 12, 2016 and supplemented with Revision 2 on January 18, 2019.

ADDRESSES: Please refer to Docket ID NRC–2016–0119 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0119. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the 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 *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Mallecia Sutton, telephone: 301–415–0673, email: *Mallecia.Sutton@nrc.gov* or Allen Fetter, telephone: 301–415–8556, email: *Allen.Fetter@nrc.gov.* Both staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

TVA (the applicant) has filed an application for an ESP for the Clinch River Nuclear Site located in Oak Ridge, Tennessee (ADAMS Accession No. ML16139A752), under Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' TVA filed Revision 2 of the application dated January 18, 2019 (ADAMS Accession No. ML19030A485). Through the application, which is currently under review by the NRC staff, the applicant seeks an ESP separate from the filing of an application for a construction permit (CP) or combined license (COL) for a nuclear power facility. The ESP process allows resolution of issues relating to siting. At any time during the period of an ESP (up to 20 years), the permit holder may reference the permit in an application for a CP or COL. The information submitted by the applicant includes certain administrative information, as well as technical information submitted pursuant to 10 CFR 52.24(a) and 10 CFR 51.105(a). These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No.
ESP application Cover Letter	ML19030A485
ESP application Administrative Information.	ML18003A298
ESP application Site Safety Analysis Report.	ML19030A358
ESP application Environmental Report.	ML19030A478
ESP application Emergency Plan.	ML18003A485
ESP application Exemptions and Departures.	ML19030A479
ESP application Enclosures ..	ML19030A568

Dated at Rockville, Maryland, this 13th day of May, 2019.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Chief, Licensing Branch 3, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2019–10127 Filed 5–16–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0036]

Information Collection: NRC Form 313, ''Application for Materials License'' and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS)''

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, ''NRC Form 313, 'Application for Materials License' and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS)''.

DATES: Submit comments by June 17, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0120), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0036 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–2019–0036.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then 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.*

• *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 Form 313, 'Application for Materials License' and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS).'' 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 February 13, 2019, 84 FR 3834.

1. *The title of the information collection:* NRC Form 313, ''Application for Materials License'' and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS).

2. *OMB approval number:* 3150–0120.

3. *Type of submission:* Revision.

4. *The form number, if applicable:* NRC Form 313, ''Application for Materials License'' and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS).

5. *How often the collection is required or requested:* There is a one-time submittal of the NRC Form 313 (which may include the NRC Form 313A series of forms) with information to receive a license. Once a specific license has been issued, there is a 15-year resubmittal of the NRC Form 313 (which may include the NRC form 313A series of forms) with information for renewal of the license. Amendment requests are submitted as needed by the licensee. There is a one-time submittal for all limited specific medical use applicants of a NRC Form 313A series form to have each new individual identified as a Radiation Safety Officer (RSO) or Associate Radiation Safety Officer (ARSO) [NRC Form 313A (RSO)], authorized medical physicist or ophthalmic physicist [NRC Form 313A (AMP)], authorized nuclear pharmacist [NRC Form 313A (ANP)], or authorized user [NRC Form 313A (AUD), NRC Form 313A (AUS), or NRC Form 313A (AUT)] or a subsequent submittal of additional information for one of these individuals to be identified with a new authorization on a limited specific medical use license.

NRC Form 313A (RSO) is also used by medical broad scope licensees when identifying a new individual as an RSO, a new individual as an ARSO, adding an additional RSO authorization, or adding an additional ARSO authorization for the individual. This submittal may occur when applying for a new license, amendment, or renewal.

NRC Form 313A (ANP) is also used by commercial nuclear pharmacy licensees when requesting an individual be identified for the first time as ANP. This submittal may occur when applying for a new license, amendment, or renewal.

6. *Who will be required or asked to respond:* All applicants requesting a license, amendment or renewal of a license for byproduct or source material.

7. *The estimated number of annual responses:* The number of annual respondents: 8,904 (1,049 NRC licensees and 7,231 Agreement State licensees + 624 Third party responses).

8. *The estimated number of annual respondents:* The number of annual respondents: 8,904 (1,049 NRC licensees and 7,231 Agreement State licensees + 624 third party respondents).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 35,634 (4,510 NRC and 31,093 Agreement State hours + 31 third party hours).

10. *Abstract:* Applicants must submit NRC Form 313, which may include the six forms in the 313A series, to obtain a specific license to possess, use, or distribute byproduct or source material. These six forms in the 313A series are: (1) NRC Form 313A (RSO), ''Radiation Safety Officer or Associate Radiation Safety Officer Training, Experience and Preceptor Attestation [10 CFR 35.57, 35.50]''; (2) NRC Form 313A (AMP), ''Authorized Medical Physicist or Ophthalmic Physicist, Training, Experience and Preceptor Attestation [10 CFR 35.51, 35.57(a)(3), and 35.433''; (3) NRC Form 313A (ANP), ''Authorized Nuclear Pharmacist Training, Experience, and Preceptor Attestation 10 CFR 35.55''; (4) NRC Form 313A (AUD), ''Authorized User Training, Experience and Preceptor Attestation (for uses defined under 35.100, 35.200, and 35.500) 10 CFR 35.57, 35.190, 35.290, and 35.590''; (5) NRC Form 313A (AUT), ''Authorized User Training, Experience, and Preceptor Attestation (for uses defined under 35.300) 10 CFR 35.57, 35.390, 35.392, 35.394, and 35.396''; and (6) NRC Form 313A (AUS), ''Authorized User Training, Experience and Preceptor Attestation (for uses defined under 35.400 and 35.600) 10 CFR 35.57, 35.490, 35.491, and 35.690.'' The NRC Form 313A series of forms requires preceptor attestations for certain individuals. The preceptor attestation is provided by a third party and not an applicant or licensee. The information is reviewed by the NRC to determine whether the applicant is qualified by training and experience, and has equipment, facilities, and procedures which are adequate to protect the public health and safety and minimize danger to life or property.

Dated at Rockville, Maryland, this 14th day of May 2019.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2019–10317 Filed 5–16–19; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System; Present Value Factors

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of adjusted present value factors applicable to retirees under the Civil Service Retirement System (CSRS) who elect to provide survivor annuity benefits to a spouse based on post-retirement marriage; to retiring employees who elect the alternative form of annuity, owe certain redeposits based on refunds of contributions for service ending before March 1, 1991, or elect to credit certain service with nonappropriated fund instrumentalities; or, for individuals with certain types of retirement coverage errors who can elect to receive credit for service by taking an actuarial reduction under the provisions of the Federal Erroneous Retirement Coverage Correction Act. This notice is necessary to conform the present value factors to changes in the economic and demographic assumptions adopted by the Board of Actuaries of the Civil Service Retirement System.

DATES: The revised present value factors apply to survivor reductions or employee annuities that commence on or after October 1, 2019.

ADDRESSES: Send requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Healthcare and Insurance, Office of Personnel Management, Room 4316, 1900 E Street NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: Several provisions of CSRS require reduction of annuities on an actuarial basis. Under each of these provisions, OPM is required to issue regulations on the method of determining the reduction to ensure that the present value of the reduced annuity plus a lump-sum equals, to the extent practicable, the present value of the unreduced benefit. The regulations for each of these benefits provide that OPM will publish a notice in the **Federal Register** whenever it changes the factors used to compute the present values of these benefits.

Section 831.2205(a) of title 5, Code of Federal Regulations, prescribes the method for computing the reduction in the beginning rate of annuity payable to a retiree who elects an alternative form of annuity under 5 U.S.C. 8343a. That reduction is required to produce an annuity that is the actuarial equivalent of the annuity of a retiree who does not elect an alternative form of annuity. The present value factors listed below are used to compute the annuity reduction under section 831.2205(a) of title 5, Code of Federal Regulations.

Section 831.303(c) of title 5, Code of Federal Regulations, prescribes the use of these factors for computing the reduction to complete payment of certain redeposits of refunded deductions based on periods of service that ended before March 1, 1991, under section 8334(d)(2) of title 5, United States Code; section 1902 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84.

Section 831.663 of Title 5, Code of Federal Regulations, prescribes the use of similar factors for computing the reduction required for certain elections to provide survivor annuity benefits based on a post-retirement marriage under section 8339(j)(5)(C) or (k)(2) of title 5, United States Code. Under section 11004 of the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, effective October 1, 1993, OPM ceased collection of these survivor election deposits by means of either a lump-sum payment or installments. Instead, OPM is required to establish a permanent actuarial reduction in the annuity of the retiree. This means that OPM must take the amount of the deposit computed under the old law and translate it into a lifetime reduction in the retiree's benefit.

Subpart F of part 847 of title 5, Code of Federal Regulations, prescribes the use of similar factors for computing the deficiency the retiree must pay to receive credit for certain service with nonappropriated fund instrumentalities made creditable by an election under section 1043 of Public Law 104–106. Subpart I of part 847 of title 5, Code of Federal Regulations, prescribes the use of present value factors for employees that elect to credit nonappropriated fund instrumentality service to qualify for immediate retirement under section 1132 of Public Law 107–107.

Sections 839.1114–1121 of title 5, Code of Federal Regulations, prescribes the use of these factors for computing the reduction required for certain service credit deposits, Government Thrift Savings Plan contributions, or for previous payment of the FERS Basic Employee Death Benefit in annuities subject to the Federal Erroneous Retirement Coverage Corrections Act (FERCCA) under the provisions of Public Law 106–265. Retirees and survivors who owe a larger deposit because of a retirement coverage error can choose to pay the additional deposit amount or their annuity will be actuarially reduced to account for the deposit amount that remains unpaid. Additionally, retirees and survivors of deceased employees who received Government contributions to their Thrift Savings Plan account after being corrected to FERS and who later elect CSRS Offset under FERCCA keep the Government contributions and associated earnings in their Thrift Savings Plan account. Instead of adjusting the Thrift Savings Plan account, FERCCA requires that the CSRS-Offset annuity be actuarially reduced. Also, survivors that received the FERS Basic Employee Death Benefit and elect CSRS Offset under FERCCA do not have to pay back the Basic Employee Death Benefit. Instead, OPM actuarially reduces the survivor annuity payable. These reductions under FERCCA allow the annuity to be actuarially reduced in a way that, on average, allows the Fund to recover the amount of the missing lump sum over the recipient's lifetime.

The present value factors currently in effect were published by OPM (80 FR 18263) on April 3, 2015. On May 17, 2019, OPM published a notice to revise the normal cost percentage under the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, based on changed assumptions adopted by the Board of Actuaries of the CSRS. Those changes require corresponding changes in CSRS normal costs and present value factors used to produce actuarially equivalent benefits when required by the Civil Service Retirement Act. The revised factors will become effective on October 1, 2019, to correspond with the changes in CSRS normal cost percentages. For alternative forms of annuity and redeposits of employee contributions, the new factors will apply to annuities that commence on or after October 1, 2019. See 5 CFR 831.2205 and 831.303(c). For survivor election deposits, the new factors will apply to survivor reductions that commence on or after October 1, 2019. See 5 CFR 831.663(c) and (d). For obtaining credit for service with certain nonappropriated fund instrumentalities, the new factors will apply to cases in which the date of computation under sections 847.603 or 847.809 of title 5, Code of Federal Regulations, is on or after October 1, 2019. See 5 CFR 842.602, 842.616, 847.603, and § 847.809. For retirement coverage corrections under FERCCA, the new factors will apply to annuities that commence on or after October 1, 2019, or in the case of previous payment of the Basic Employee Death Benefit, the new factors will apply to deaths occurring on or after October 1, 2019. See 5 CFR 839.1114–1121 and 5 CFR 831.303(d).

OPM is, therefore, revising the tables of present value factors to read as follows:

CSRS Present Value Factors Applicable to Annuity Payable Following an Election Under Section 8339(j) or (k) or Section 8343a of Title 5, United States Code, or Under Section 1043 of Public Law 104–106 or Under Section 1132 of Public Law 107–107 or Under FERCCA or Following a Redeposit Under Section 8334(d)(2) of Title 5, United States Code

Age	Present value factor
40	351.8
41	347.1
42	342.2
43	337.2
44	332.1
45	326.9
46	321.6
47	316.4
48	311.1

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 8339(j) OR (k) OR SECTION 8343a OF TITLE 5, UNITED STATES CODE, OR UNDER SECTION 1043 OF PUBLIC LAW 104–106 OR UNDER SECTION 1132 OF PUBLIC LAW 107–107 OR UNDER FERCCA OR FOLLOWING A REDEPOSIT UNDER SECTION 8334(d)(2) OF TITLE 5, UNITED STATES CODE—Continued

Age	Present value factor
49	305.9
50	300.7
51	295.3
52	289.8
53	284.1
54	278.2
55	272.2
56	266.0
57	259.7
58	253.3
59	246.8
60	240.2
61	233.5
62	226.7
63	219.8
64	212.9
65	206.0
66	199.0
67	192.0
68	184.9
69	177.8
70	170.7
71	163.6
72	156.5
73	149.5
74	142.5
75	135.6
76	128.8
77	122.1
78	115.5
79	109.0
80	102.7
81	96.6
82	90.6
83	84.9
84	79.4
85	74.1
86	69.0
87	64.1
88	59.6
89	55.3
90	51.3
91	47.7
92	44.2
93	41.1
94	38.2
95	35.6
96	33.2
97	31.1
98	29.2
99	27.4
100	25.9
101	24.4
102	23.1
103	21.8
104	20.5
105	18.9
106	17.0

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 8339(j) OR (k) OR SECTION 8343a OF TITLE 5, UNITED STATES CODE, OR UNDER SECTION 1043 OF PUBLIC LAW 104–106 OR UNDER SECTION 1132 OF PUBLIC LAW 107–107 OR UNDER FERCCA OR FOLLOWING A REDEPOSIT UNDER SECTION 8334(d)(2) OF TITLE 5, UNITED STATES CODE—Continued

Age	Present value factor
107	14.2
108	9.5
109	6.4

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 1043 OF PUBLIC LAW 104–106 OR UNDER SECTION 1132 OF PUBLIC LAW 107–107 OR UNDER FERCCA

[For ages at calculation below 40]

Age at calculation	Present value of a monthly annuity
17	443.1
18	439.8
19	436.4
20	432.9
21	429.4
22	425.9
23	422.3
24	418.6
25	414.9
26	411.2
27	407.4
28	403.5
29	399.6
30	395.6
31	391.5
32	387.4
33	383.2
34	378.9
35	374.6
36	370.2
37	365.7
38	361.2
39	356.5

Alexys Stanley,

Regulatory Affairs Analyst, Office of Personnel Management.

[FR Doc. 2019–10294 Filed 5–16–19; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees' Retirement System; Present Value Factors

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of adjusted present value factors applicable to retirees who elect to provide survivor annuity benefits to a spouse based on post-retirement marriage, and to retiring employees who elect the alternative form of annuity or elect to credit certain service with nonappropriated fund instrumentalities. This notice is necessary to conform the present value factors to changes in the economic and demographic assumptions adopted by the Board of Actuaries of the Civil Service Retirement System.

DATES: The revised present value factors apply to survivor reductions or employee annuities that commence on or after October 1, 2019.

ADDRESSES: Send requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Healthcare and Insurance, Office of Personnel Management, Room 4316, 1900 E Street NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: Several provisions of the Federal Employees' Retirement System (FERS) require reduction of annuities on an actuarial basis. Under each of these provisions, OPM is required to issue regulations on the method of determining the reduction to ensure that the present value of the reduced annuity plus a lump-sum equals, to the extent practicable, the present value of the unreduced benefit. The regulations for each of these benefits provide that OPM will publish a notice in the **Federal Register** whenever it changes the factors used to compute the present values of these benefits.

Section 842.706(a) of title 5, Code of Federal Regulations, prescribes the method for computing the reduction in the beginning rate of annuity payable to a retiree who elects an alternative form of annuity under 5 U.S.C. 8420a. That reduction is required to produce an annuity that is the actuarial equivalent of the annuity of a retiree who does not elect an alternative form of annuity. The present value factors listed below are used to compute the annuity reduction under 5 CFR 842.706(a).

Section 842.615 of title 5, Code of Federal Regulations, prescribes the use of these factors for computing the reduction required for certain elections to provide survivor annuity benefits based on a post-retirement marriage or divorce under 5 U.S.C. 8416(b), 8416(c), or 8417(b). Under section 11004 of the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, effective October 1, 1993, OPM ceased collection of these survivor election deposits by means of either a lump-sum payment or installments. Instead, OPM is required to establish a permanent actuarial reduction in the annuity of the retiree. This means that OPM must take the amount of the deposit computed under the old law and translate it into a lifetime reduction in the retiree's benefit.

Subpart F of part 847 of title 5, Code of Federal Regulations, prescribes the use of present value factors for computing the deficiency the retiree must pay to receive credit for certain service with nonappropriated fund instrumentalities made creditable by an election under section 1043 of Public Law 104–106. Subpart I of part 847 of title 5, Code of Federal Regulations, prescribes the use of present value factors for employees that elect to credit nonappropriated fund instrumentality service to qualify for immediate retirement under section 1132 of Public Law 107–107.

OPM published the present value factors currently in effect on April 3, 2015, at 80 FR 18265. On May 17, 2019, OPM published a notice to revise the normal cost percentage under the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, based on changed assumptions adopted by the Board of Actuaries of the Civil Service Retirement System. Under 5 U.S.C. 8461(i), those changes require corresponding changes in the present value factors used to produce actuarially equivalent benefits when required by the FERS Act. The revised factors will become effective on October 1, 2019, to correspond with the changes in FERS normal cost percentages. For alternative forms of annuity, the new factors will apply to annuities that commence on or after October 1, 2019. See 5 CFR 842.706. For survivor election deposits, the new factors will apply to survivor reductions that commence on or after October 1, 2019. See 5 CFR 842.615(b). For obtaining credit for service with certain nonappropriated fund instrumentalities, the new factors will apply to cases in which the date of computation under 5 CFR 847.603or 847.809 is on or after October 1, 2019. See 5 CFR 842.602, 842.616, 847.603, and 847.809.

OPM is, therefore, revising the tables of present value factors to read as follows:

TABLE I—FERS PRESENT VALUE FACTORS FOR AGES 62 AND OLDER

[Applicable to annuity payable following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), 8420a, under section 1043 of Public Law 104–106, or under section 1132 of Public Law 107–107.]

Age	Present value factor
62	213.9
63	207.8
64	201.6
65	195.4
66	189.1
67	182.7
68	176.3
69	169.8
70	163.3
71	156.8
72	150.3
73	143.8
74	137.3
75	130.9
76	124.5
77	118.2
78	112.0
79	105.9
80	99.9
81	94.1
82	88.4
83	83.0
84	77.7
85	72.6
86	67.7
87	63.0
88	58.6
89	54.5
90	50.6
91	47.0
92	43.7
93	40.6
94	37.8
95	35.2
96	32.9
97	30.8
98	28.9
99	27.2
100	25.7
101	24.3
102	23.0
103	21.7
104	20.4
105	18.9
106	17.0
107	14.2
108	9.4
109	6.4

TABLE II.A—FERS PRESENT VALUE FACTORS FOR AGES 40 THROUGH 61

[Applicable to annuity payable when annuity is not increased by cost-of-living adjustments before age 62 following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), §8420a, under section 1043 of Public Law 104–106, or under section 1132 of Public Law 107–107.]

Age	Present value factor
40	244.2
41	243.3
42	242.3
43	241.2
44	240.0
45	238.9
46	237.7
47	236.5
48	235.4
49	234.3
50	233.2
51	232.0
52	230.8
53	229.5
54	228.0
55	226.4
56	224.8
57	223.1
58	221.4
59	219.6
60	217.7
61	215.8

TABLE II.B—FERS PRESENT VALUE FACTORS FOR AGES 40 THROUGH 61

[Applicable to annuity payable when annuity is increased by cost-of-living adjustments before age 62 following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), or 8420a, under section 1043 of Public Law 104–106, or under section 1132 of Public Law 107–107]

Age	Present value factor
40	319.8
41	316.0
42	312.1
43	308.0
44	303.8
45	299.6
46	295.3
47	290.9
48	286.6
49	282.2
50	277.9
51	273.3
52	268.7
53	263.8
54	258.8
55	253.6
56	248.3
57	242.9
58	237.3
59	231.6
60	225.8
61	219.9

TABLE III—FERS PRESENT VALUE FACTORS FOR AGES AT CALCULATION BELOW 40

[Applicable to annuity payable following an election under section 1043 of Public Law 104–106 or under section 1132 of Public Law 107–107.]

Age at calculation	Present value of a monthly annuity
17	389.9
18	387.4
19	384.9
20	382.4
21	379.8
22	377.2
23	374.5
24	371.8
25	369.0
26	366.1
27	363.3
28	360.3
29	357.3
30	354.2
31	351.1
32	347.9
33	344.7
34	341.3
35	337.9
36	334.5
37	330.9
38	327.3
39	323.6

Alexys Stanley,

Regulatory Affairs Analyst, Office of Personnel Management.

[FR Doc. 2019–10293 Filed 5–16–19; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–136 and CP2019–149; MC2019–137 and CP2019–150]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 20, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–136 and CP2019–149; *Filing Title:* USPS Request to Add Priority Mail Express Contract 75 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 10, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* May 20, 2019.

2. *Docket No(s).:* MC2019–137 and CP2019–150; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 61 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 10, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* May 20, 2019.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–10197 Filed 5–16–19; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

PRESIDIO TRUST

Notice of Public Meeting

AGENCY: The Presidio Trust.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Presidio Trust Act, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held commencing 6:30 p.m. on June 19, 2019 at the Officers' Club, 50 Moraga Avenue, Presidio of San Francisco, California.

The purposes of this meeting are to: Provide the Chairperson's report; provide the Chief Executive Officer's report; to decide whether to move forward with the proposal to develop Fort Winfield Scott; and to receive public comment on these and other matters pertaining to Trust business.

Individuals requiring special accommodation at this meeting, such as needing a sign language interpreter, should contact Laurie Fox at 415.561.5300 prior to June 12, 2019.

DATES: The meeting will begin at 6:30 p.m. on June 19, 2019.

ADDRESSES: The meeting will be held at the Officers' Club, 50 Moraga Avenue, Presidio of San Francisco.

FOR FURTHER INFORMATION CONTACT: George K.H. Schell, General Counsel, the Presidio Trust, 103 Montgomery Street, P.O. Box 29052, San Francisco, California 94129–0052, Telephone: 415.561.5300.

Dated: May 13, 2019.

George K.H. Schell,

General Counsel.

[FR Doc. 2019–10313 Filed 5–16–19; 8:45 am]

BILLING CODE 4310–4R–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85848; File No. SR–ICEEU–2019–003]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission or Advance Notice Relating to amendments to the ICE Clear Europe Clearing Rules (the ''Rules'')

May 13, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 29, 2019, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared by ICE Clear Europe. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

ICE Clear Europe proposes to modify certain provisions of its Rules relating to default management, Clearing House recovery and wind-down for CDS Contracts, and to adopt certain related default auction procedures.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

(a) Purpose

ICE Clear Europe submits proposed amendments to the ICE Clear Europe Rules relating to Clearing House default management, recovery and wind-down to address the risk of uncovered losses from a Clearing Member default or series of defaults, among other risks. The amendments largely extend certain existing default management, recovery and wind-down rules currently available for the F&O Category to apply to the CDS Contract Category, with certain modifications appropriate to that type of contract.[4] ICE Clear Europe is also proposing to make certain other clarifications and improvements to these rules for all Contract Categories. ICE Clear Europe also proposes to adopt new default auction procedures for CDS Contracts.

I. Summary of Proposed Amendments

The amendments would extend certain existing F&O default management, recovery and wind-down tools to the CDS Contract Category. In particular, the amendments would, for CDS Contracts, enhance existing tools and establish new tools and procedures (and an order of priority for using such tools and procedures) to manage a Clearing Member or Sponsored Principal default or series of defaults and return to a matched book. Certain other improvements would be made to the default management procedures for F&O and FX Contracts.[5] The amendments would, among other matters:

(i) Establish default auction procedures for CDS contracts, including:

(A) Initial default auctions for CDS, to be conducted in accordance with a new defined set of CDS default auction procedures; and

(B) if such initial default auctions are not fully successful, conducting a secondary auction of all remaining CDS positions, to be conducted in accordance with a defined set of CDS secondary auction procedures; and

(ii) in relation to the CDS Contract Category, if a secondary auction is unsuccessful, or, in relation to the F&O Contract Category, if an auction is unsuccessful, permit partial tear-up of positions of non-defaulting Clearing Members and Sponsored Principals corresponding to the defaulter's remaining portfolio; (Rule 915)

(iii) in connection with the new default management steps described in (i) and (ii) above, eliminate forced allocation for CDS Contracts as a default management tool; (Deletion of former Rule 905(c) and Rule 401(a)(x))

(iv) in connection with these default management steps, provide the ability to implement reduced gains distributions (a.k.a. variation margin haircutting) for CDS Contracts following exhaustion of other financial resources, for up to five business days; (Rule 914(o))

(v) extend to the CDS Contract Category the concept of a ''Cooling-off Period'' (based on that used for F&O Contracts), which would be triggered by certain Clearing Member or Sponsored Principal defaults with respect to CDS Contracts that result in Guaranty Fund depletion. During a Cooling-off Period, the aggregate liability of a CDS Clearing Member for replenishments of the Guaranty Fund and assessments would be capped at ''3x'' its required Guaranty Fund Contribution for all defaults during that period. Certain conforming amendments would be made to the Cooling-off Periods applicable under the current Rules for F&O Contracts; (Rule 917)

(vi) clarify the process under which a CDS Clearing Member or Sponsored Principal may withdraw from the Clearing House during a Cooling-off Period, related procedures for unwinding all positions of such a CDS Clearing Member or Sponsored Principal and capping its continuing liability to ICE Clear Europe and rights of ICE Clear Europe to call for margin from withdrawing CDS Clearing Members; (Rules 917–918)

(vii) clarify the procedures for full clearing service termination, particularly for CDS Contracts, where that is determined to be appropriate by ICE Clear Europe (Rule 916); and

(viii) in connection with the foregoing, eliminate the Continuing CDS Rule Provisions currently applicable to CDS Contracts and CDS Clearing Members as instead, the document called ''Clearing Rules'' will apply to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein have the meanings specified in the ICE Clear Europe Clearing Rules.

[4] ICE Clear Europe adopted its rules relating to Clearing House recovery and wind-down for the F&O and FX Contract Categories in 2014 (the ''F&O Recovery Rule Amendments''). See Exchange Act Release No. 34–71450 (Jan. 31, 2014), 79 FR 7250 (Feb. 6, 2014), for a discussion of the terms of those rule amendments and the basis for them.

[5] The default management, recovery and wind-down rules applicable to the F&O Contract Category also apply to the FX Contract Category. Since ICE Clear Europe does not currently clear any contracts in the FX Contract Category, the following discussion, for simplicity, generally does not refer to the FX Contract Category.

CDS Clearing Members in the same way as it applies to F&O Clearing Members.[6]

The proposed amendments are described in more detail in the following sections:

II. Revisions to Default Management Tools and Steps

Part 9, which specifies ICE Clear Europe's remedies upon a Clearing Member or Sponsored Principal default, would be revised to implement the additional recovery tools for CDS Contracts discussed herein. The changes would replace forced allocation for CDS with default auctions, reduced gains distribution and partial tear up. Changes would also be made to harmonize default management tools across the F&O and CDS Contract Categories and improve overall clarity.

Overall Structure of Revised Default Management Provisions

Rule 905 would establish the overall default management tools and procedures available to the Clearing House to terminate and close out contracts of a Defaulter. Rule 905(b) would be revised to contemplate initial CDS default auctions, as discussed below. Paragraph (c), which provided for forced allocation in the context of CDS Contracts, would be eliminated (along with a corresponding provision in Rule 401(a)(x) and related cross-references throughout the Rules). The amendments would add a new paragraph (d), addressing default management where the Clearing House does not resolve a default through the use of its standard default management remedies under Rules 905(a)–(c). Rule 905(d)(i) would address CDS Contracts, and set out circumstances for the use of reduced gains distribution, secondary CDS auctions, partial tear-up and certain other remedies not inconsistent with the other provisions of the Rules. Rule 905(d)(ii) would address F&O Contracts, and set out circumstances for the use of reduced gains distribution, partial tear-up and certain other remedies not inconsistent with the other provisions of the Rules. Certain other provisions of Rule 905 would be renumbered, and certain conforming and clarifying changes would be made.

Initial CDS Auctions

As revised, Rule 905(b)(i) would provide for ICE Clear Europe to run one or more Initial CDS Auctions for the CDS Contract Category with respect to the remaining portfolio of the Defaulter.

Initial CDS Auctions would be conducted in accordance with Part 1 of a new defined set of Auction Terms for CDS Default Auctions (the ''CDS Default Auction Procedures''). Under those procedures, ICE Clear Europe may break the portfolio into one or more lots, each of which would be auctioned separately. CDS Clearing Members would have an obligation to bid for each lot in a minimum amount determined by ICE Clear Europe. A CDS Clearing Member could transfer or outsource its minimum bid requirement to an affiliated CDS Clearing Member, and similarly a CDS Clearing Member could aggregate its own minimum bid requirement with that of its affiliated CDS Clearing Member. A minimum bid requirement would not apply where the bid would be in breach of applicable law or the Rules, such as if a self-referencing CDS Contract would arise from an accepted bid, or where ICE Clear Europe, after written notification that a minimum bid requirement is inappropriate in the current circumstances, reasonably determines that the requirement should not apply.

Customers would be able to bid indirectly through a CDS Clearing Member. In addition, a Customer, including a Sponsored Principal invited by ICE Clear Europe to participate in an Initial CDS Auction, would have the option to bid directly in the auction (a ''Direct Participating Customer''), provided that (i) a Clearing Member has confirmed that it will clear any of its resulting transactions; (ii) it makes a minimum deposit of €7.5 million which may generally be applied by ICE Clear Europe in the same manner as CDS Clearing Members' Guaranty Fund Contributions (*e.g.,* subject to ''juniorization'' as described below); and (iii) it has entered into an agreement with ICE Clear Europe pursuant to which it agrees to the auction terms and confidentiality requirement as they apply to Direct Participating Customers. If an auction for any lot or lots fails, as determined in accordance with the default auction procedures, ICE Clear Europe would be able to determine to have a subsequent Initial CDS Auction or Auctions.

The auction for each lot would be conducted as a modified Dutch auction. Where there are multiple winning bidders, all would pay or receive the auction clearing price.

Under Rule 908, all available default resources (including pre-funded CDS Guaranty Fund Contributions of CDS Clearing Members, assessment contributions of CDS Clearing Members and ICE Clear Europe contributions to the CDS Guaranty Fund) could be used to pay the cost of an Initial CDS Auction. Guaranty fund and assessment contributions of non-defaulting CDS Clearing Members would be subject to ''juniorization'' under Rule 908(i) and would be applied using a defined default auction priority set out in the CDS Default Auction Procedures based on the competitiveness of their bids. A portion of each CDS Clearing Member's Guaranty Fund Contributions would be allocated to the auction cost of each lot. The CDS Guaranty Fund would be further divided into three tranches. The lowest (and first-used) tranche would consist of contributions of CDS Clearing Members that failed to bid in the required amount in the relevant auction. The second, or subordinate, tranche would include contributions of CDS Clearing Members whose bids were less competitive than a defined threshold based on the auction clearing price. The final, or senior, tranche includes contributions of CDS Clearing Members whose bids would be competitive as compared to a second threshold. (For CDS Clearing Members who bid in the band between the two thresholds, their contributions would be allocated between the senior and subordinate tranches based on a formula.) Thus, contributions of CDS Clearing Members who fail to bid would be used before those who bid, and contributions of those who bid uncompetitively would be used before those who bid competitively. A parallel juniorization approach would apply to the use of assessment contributions, and a similar juniorization approach also applies to contributions of Direct Participating Customers. With this design, ICE Clear Europe believes that the CDS Default Auction Procedures would give CDS Clearing Members a strong incentive to bid competitively, with the goal of reaching an efficient auction clearing price that would permit the Clearing House to close out the Defaulter's portfolio within the resources of the Clearing House.

[6] The Continuing CDS Rule Provisions are certain provisions of the Rules as they were in effect prior to the adoption of the F&O Recovery Rule Amendments, and which continued in effect with respect to the CDS Contract Category, as provided in ICE Clear Europe Circular C14/012 of 31 January 2014 and in the definition thereof in the Rules. Specifically, the Continuing CDS Rule Provisions include prior Rules 105(c), 209 and 912 and certain aspects of Rules 910 and 1102 as they relate to the CDS Contract Category and/or CDS Clearing Members. Following adoption of the proposed Rule amendments relating to the CDS Contract Category, the Continuing CDS Rule Provisions will no longer be applicable, ICE Clear Europe will no longer maintain a document called ''Continuing CDS Rule Provisions'' on its website, and the published Rules (as amended) will fully apply to CDS Clearing Members as well as F&O Clearing Members. As a result, various references to the Continuing CDS Rule Provisions in the Rules would be removed. Note further that Exhibit 5A to this Form 19b–4 shows the deletion of the Continuing CDS Rule Provisions only.

Additional Default Measures

New Rule 905(d) would address the default management tools of the Clearing House where initial Default Auctions are not successful in closing out the positions of the defaulter. Subclause (i) would apply to CDS Contracts, and provides that the Clearing House could engage in reduced gains distribution, Secondary CDS Auctions and partial tear-up, among other actions, as discussed below. Subclause (ii), which applies to F&O Contracts, would clarify that the Clearing House could engage in reduced gains distribution or partial tear-up, as discussed below.

Secondary CDS Auction

If one or more Initial CDS Auctions are not fully successful in closing out the defaulting CDS Clearing Member's CDS portfolio, ICE Clear Europe would be able to proceed to conduct a Secondary CDS Auction with respect to the Defaulter's remaining portfolio under Rule 905(d)(i)(B) and the CDS Default Auction Procedures. (As discussed below, under Rule 905(d)(i)(A) ICE Clear Europe would be able to in certain circumstances invoke reduced gains distributions in connection with such an auction.)

The Secondary CDS Auction would be conducted pursuant to Part 2 of the CDS Default Auction Procedures. The Secondary CDS Auction would also use a modified Dutch auction format, with all winning bidders paying or receiving the auction clearing price. A Secondary CDS Auction for a lot would be deemed successful if it results in a price for the lot that is within ICE Clear Europe's remaining CDS default resources, which would be allocated to each lot for this purpose based on the initial margin requirements for the lot. The Secondary CDS Auction procedures contemplate that Customers could bid directly in the Secondary CDS Auction (without need for a minimum deposit, but provided that a CDS Clearing Member has confirmed that it will clear any resulting transactions of the Non-Clearing Member), or could bid through a CDS Clearing Member.

Under Rule 908(i), in the case of a Secondary CDS Auction, ICE Clear Europe would apply all remaining CDS default resources. Guaranty Fund and assessment contributions of non-defaulting CDS Clearing Members, to the extent remaining, would be subject to ''juniorization'' in a Secondary CDS Auction, similar to that described above for initial default auctions, in accordance with the secondary auction priority set forth in the secondary auction procedures.

If a Secondary CDS Auction is unsuccessful for any lot, ICE Clear Europe would be able to run another Secondary CDS Auction for that lot. ICE Clear Europe could repeat this process as necessary. However, pursuant to Rule 914(o), if ICE Clear Europe invoked reduced gains distributions, the last attempt at a Secondary CDS Auction (if needed) would occur on the last day of the five-business-day reduced gains distribution period. On that last day, the Secondary CDS Auction for each lot would be successful if it results in a price that is within the default resources for such lot. ICE Clear Europe could also determine, for a Secondary CDS Auction on that last day, that an auction for a lot would be partially filled. With respect to any lot that is not successfully auctioned, in whole or in part, ICE Clear Europe could proceed to partial tear-up under Rule 915, as described below.

F & O Default Auction

The proposed amendments would also clarify in Rule 908(b)–(d) that where a Default Auction is held in respect of the F&O Contract Category, any applicable juniorization approach (through modifications to Rule 908) could be set out by the Clearing House by Circular. Certain other drafting clarifications, corrections and conforming changes would be made to Rule 908 as well. Rule 908(f) is being amended to provide for notice of relevant default amount calculations to all affected Clearing Members, rather than publication by Circular, to allow ICE Clear Europe greater flexibility with respect to the manner of notice to affected Clearing Members.

Partial Tear-Up

The amendments would add partial tear-up as an additional default remedy, for all Contract Categories. If, in relation to the CDS Contract Category, the Secondary CDS Auction, or, in relation to the F&O Contract Categories, the default auction does not result in the close out of all of the Defaulter's remaining portfolio within the Clearing House's remaining resources, then ICE Clear Europe would proceed to a partial tear-up with respect to remaining positions under Rule 915. Under Rule 915(a), ICE Clear Europe would be permitted to use partial tear-up, in relation to the CDS Contract Category, only after it has attempted one or more Initial CDS Auctions or Secondary CDS Auctions, and, in relation to the F&O Contract Categories, only after it has attempted a default auction.

Pursuant to Rule 915(b), in a partial tear-up, ICE Clear Europe would terminate positions of non-defaulting Clearing Members and Sponsored Principals that exactly offset those in the Defaulter's remaining portfolio (*i.e.,* positions in the identical contracts and in the same aggregate notional amount) (''Tear-Up Positions''). ICE Clear Europe would terminate Tear-Up Positions across both the house and customer origin accounts of all non-defaulting Clearing Members and Sponsored Principals that have such positions, on a pro rata basis. Within the customer origin account of a non-defaulting Clearing Member, Tear-Up Positions of customers would be terminated on a pro rata basis. Where ICE Clear Europe has entered into hedging transactions relating to the defaulter's positions that would not themselves be subject to tear-up, ICE Clear Europe could offer to assign or transfer those transactions to Clearing Members with related Tear-Up Positions.

ICE Clear Europe would determine a termination price for all Tear-Up Positions, in accordance with Rule 915(f), for a CDS Contract based on the last established end-of-day mark-to-market settlement price, and for an F&O Contract based on the last established exchange end-of-day settlement price, subject to a specified fallback price procedure. Under Rule 915(c), the date and time as of which Partial Tear-Up would occur would be set out in a Partial Tear-Up Circular published by the Clearing House. For the CDS Contract Category, tear-up would occur contemporaneously with the determination of the termination price at end of day. Because the termination price would equal the current mark-to-market or other applicable settlement value as determined pursuant to the applicable exchange or ICE Clear Europe end-of-day settlement price process (and would be satisfied by application of mark-to-market margin posted (or that would have been posted but for reduced gains distribution) under Rule 915(e)), no additional amount would be owed by ICE Clear Europe in connection with the tear-up.

Reduced Gains Distributions

As an additional secondary default management action, ICE Clear Europe would extend a modified version of its variation margin haircutting rules in Rule 914 to the CDS Contract Category. ICE Clear Europe would rename the prior provisions for margin haircutting, which only applied to the F&O Contract Categories, as ''reduced gains distribution.'' Certain clarifications would be made to the provisions as they

apply to F&O Contracts. For example, Rule 914(b) would be revised to clarify that in the case of any Contract Category, ICE Clear Europe would determine at the close of business on each business day in the Loss Distribution Period whether the conditions for reduced gains distributions would be continuing. Clarifications have also been made for all Contract Categories to state explicitly that reduced gains distribution would only apply to variation or mark-to-market margin, and not initial or original margin. Additional changes in Rule 914(i) would clarify the obligations of the Clearing House upon termination of reduced gains distribution.

The potential use of reduced gains distribution for CDS Contracts under the revised Rules would be narrower in certain respects than for the other Contract Categories, consistent with the use of reduced gains distribution for other swap clearing organizations.[7] For CDS Contracts, reduced gains distribution could be invoked under Rule 914 only where ICE Clear Europe has exhausted its remaining available default resources (including assessment contributions received). In addition, for the CDS Contract Category, pursuant to Rule 914(n), ICE Clear Europe could invoke reduced gains distribution only for up to five consecutive business days. Reduced gains distribution would allow ICE Clear Europe to reduce payment of variation, or mark-to-market, gains that would otherwise be owed to Clearing Members, during which time, in relation to the CDS Contract Category, it would attempt a Secondary CDS Auction or conduct a partial tear-up. Rule 914(a) and 914(n) would specify certain conditions to the commencement of reduced gains distribution for CDS Contracts, including that ICE Clear Europe has exhausted all other available default resources and has determined that reduced gains distribution is appropriate in connection with a Secondary CDS Auction or partial tear-up.

Pursuant to proposed Rule 914(o), for the CDS Contract Category, if ICE Clear Europe conducts a successful Secondary CDS Auction, that day, or if ICE Clear Europe so determines, the preceding business day, would be the last day for reduced gains distribution. If ICE Clear Europe is unable to conduct a successful Secondary CDS Auction by the end of the five business day reduced gains distribution period, ICE Clear Europe would proceed to conduct a partial tear-up under Rule 915 as of the close of business on such fifth business day.

[7] See, *e.g.,* ICE Clear Credit LLC Rule 808.

Pursuant to proposed Rule 914(p), if reduced gains distribution applies to CDS Contracts on any day, the net amount owed on such day to each Margin Account of each Contributor that is deemed to be a ''cash gainer'' in respect of its house or customer origin account (*i.e.,* a Contributor that would otherwise be entitled to receive mark-to-market margin or other payments in respect of such account) would be subject to a percentage haircut, based on the incoming mark-to-market margin from other Clearing Members. Because reduced gains distribution would only be used following exhaustion of other resources, the Clearing House would only use incoming mark-to-market margin payments to pay mark-to-market margin gains. Haircuts are determined independently on each day of reduced gains distribution for CDS Contracts, and are applied separately for each margin account for each Contributor. For each day of reduced gains distribution, ICE Clear Europe would notify Clearing Members and the market more generally of the amount of the haircut and such other matters as ICE Clear Europe considers relevant, through a Circular.

A proposed amendment in Rule 906(a) would also clarify that the calculation of a net sum on default will treat the payment or return of variation margin or mark-to-market margin as having been successfully and fully made even if reduced gains distributions have been applied, and therefore the defaulter will not pay or receive such variation margin or mark-to-market margin in the net sum on default.

Removal of Forced Allocation as a Default Management Tool

Existing Rule 905(c), which allowed ICE Clear Europe to make a forced allocation of positions in the defaulter's portfolio, would be removed in light of the new default management tools described above.

Recoveries From Defaulting Clearing Members

The amendments to Rule 907 would add a new subsection (c), which addresses the Clearing House's authority to seek recoveries from a defaulting Clearing Member on its own behalf and on behalf of Clearing Members, including through setoff or legal process. The rule would also be revised to state ICE Clear Europe's obligations with respect to seeking recoveries from a defaulting Clearing Member where the Guaranty Fund Contributions of non-defaulting Clearing Member have been applied, and provide that in such case ICE Clear Europe will exercise the same degree of care in enforcement and collection of any claims against the defaulter as it exercises with respect to its own assets that are not subject to allocation to Clearing Members and others. Certain contrary provisions of the Rules to the effect that the Clearing House has no obligation to pursue recoveries from defaulters, such as existing Rule 914(m), would be removed.

Delay of Outbound Variation Margin

The proposed amendments would extend the provisions of Rule 110(f) to the CDS Contract Category. Rule 110(f) would permit the Clearing House to delay making a variation margin or mark-to-market margin payment, solely on an intra-day basis, where a Clearing Member or Sponsored Principal has failed to make a corresponding payment to the Clearing House (including without limitation for technical or operational reasons), and the amount of the failure exceeds the initial or original margin posted by that Clearing Member or Sponsored Principal.

III. Clarifications of Guaranty Fund Requirements and Uses

Various clarifications and conforming changes would be made to the provisions of Rule 908, which address contributions to and uses of the Guaranty Fund. Provisions in Rule 909 would also be moved and reorganized, and Rules 910–911 would be removed and reserved. These changes include the following:

- Changes to ICE Clear Europe's ability to modify the order of application of Guaranty Fund Contributions under the Auction Procedures to provide for juniorization based on bidding (Rule 908(i), and conforming cross-references throughout).
- Changes to produce in Rule 909 a single Powers of Assessment rule for all Contract Categories, eliminating inconsistencies across the default rules for different products. Various deletions and insertions would be made to remove duplication between the three Contract Categories. In addition, a certification requirement in connection with the application of claims under any default insurance policies for F&O Contracts would be removed as unnecessary (Rules 909—911).
- Rule 909(a) would permit assessments for CDS Contracts to be called in anticipation of any charge against the CDS Guaranty Fund following a default, rather than only after such a charge. This change would be consistent with the current treatment of assessments for F&O Contracts.

• Certain changes would be made throughout Part 11 to align the process for return of Guaranty Fund Contributions following termination of Clearing Membership across all Contract Categories, align Guaranty Fund Contribution calculation methodology across Contract Categories and to clarify that separate Guaranty Fund Contribution amounts calculated in respect of Proprietary and Customer positions could be applied across any type of account. A change to Rule 1101(e) would be made to better reflect current practice for the calculation of Guaranty Fund Contributions. In addition, Rule 1102(n) would be deleted because its content would be combined into Rule 1102(m).

IV. Cooling-Off Period

ICE Clear Europe would modify the Cooling-off Period concept in Rule 917 in order to apply it to CDS Contracts, to adjust the calculation of the relevant cap on contributions for all Contract Categories, and to reduce the length of the period. Cooling-off Periods could be designated, and would operate, separately in respect of different Contract Categories. A Cooling-off Period is triggered by certain calls for assessments for the relevant Contract Category or by sequential Guaranty Fund depletion in the relevant Contract Category within a specified period. The base length of the Cooling-off Period would be reduced from 30 Business Days to 30 calendar days, consistent with the approach of other clearing organizations,[8] and in order to balance the goals of limited liability and certainty for Clearing Members with the need for the Clearing House to restore normal operations following recovery as quickly as possible. As under the current Rules, a Cooling-off Period could be extended as a result of subsequent defaults during the period.

Rule 917(b) would also be revised to provide that the ''3x'' cap on relevant contributions during a Cooling-off Period applies to both Assessment Contribution and replenishments of the Relevant Guaranty Fund, in the aggregate, regardless of the number of defaults during the period. The foregoing cap is based on a Clearing Member's individual Guaranty Fund Contribution immediately prior to the default that triggered the Cooling-off Period. (As set out in Rule 917(b)(iii), the existing single-default cap on Assessment Contributions under Rule 909 would also continue to apply in a Cooling-off Period.) The proposed amendments would also allow ICE Clear Europe to rebalance, reset and recalculate the Relevant Guaranty Fund during the Cooling-off Period, but such changes would not affect the aggregate 3x contribution limit. Under proposed Rule 917(e), Clearing Members that have made the maximum contribution during a Cooling-off Period could be required to provide additional proprietary initial margin during the period, which would facilitate ICE Clear Europe's ability to continue to satisfy its regulatory minimum financial resources requirements.

V. Clearing Member Withdrawal

Existing Rules 209 and 918, which address withdrawals by Clearing Members (other than CDS Clearing Members), are proposed to be revised to apply to the CDS Contract Category, such that the Rules would apply to all ICE Clear Europe Clearing Members and Sponsored Principals. Under revised Rule 917(c), CDS Clearing Members (like other Clearing Members) and Sponsored Principals could withdraw from ICE Clear Europe during a Cooling-off Period by providing an irrevocable notice of withdrawal in the first 10 business days of the period (subject to extension in certain cases if the Cooling-off Period is extended). CDS Clearing Members could withdraw from ICE Clear Europe at other times by notice to ICE Clear Europe under Rule 209. Rule 209 would also permit ICE Clear Europe to terminate a CDS Clearing Member's membership on 30 business days' notice, consistent with its authority with respect to Clearing Members in other Contract Categories. In case of withdrawal or termination, all outstanding positions would need to be closed out by a specified deadline, generally within 20 to 30 business days following notice of withdrawal under Rule 918(a) and 209(c). Withdrawal would not be effective, pursuant to Rule 918, until the Clearing Member or Sponsored Principal closed out all outstanding positions and satisfied any related obligations, and a withdrawing Clearing Member or Sponsored Principal would remain liable under Rule 918 with respect to charges and assessments resulting from defaults that occurred before such time. Under the proposed rule change, a CDS Clearing Member that seeks to withdraw other than during the first 10 business days of a Cooling-off Period could, at the direction of ICE Clear Europe under Rule 209(d), be required to make a deposit of up to three times its required Guaranty Fund Contribution (this provision already applies to F&O Clearing Members). Such a deposit would not impose new liabilities on the Clearing Member, but provide assurance that the withdrawing Clearing Member would continue to meet its obligations in respect of defaults and potential defaults before its withdrawal would be effective. It thus reduces the potentially destabilizing effect that Clearing Member withdrawal (or a series of Clearing Member withdrawals) could have on the Clearing House during a stressed situation. Rule 918(a)(viii)(B) would also specify the timing for the return of Guaranty Fund Contributions to a withdrawing Clearing Member or Sponsored Principal. Rule 918(a)(vii) would be removed and reserved to reflect the amendments to Rule 917 discussed above permitting the Clearing House to rebalance the Relevant Guaranty Fund during a Cooling–off Period. A cross-reference to the relevant Settlement Finality Regulations would be added in Rule 918(a)(viii).

VI. Clearing Service Termination

The amendments would extend the existing provisions of Rules 105(c), 912 and 916, which provide for full clearing service termination for one or more Contract Categories, to the CDS Contract Category.

Rule 105(c) would apply where the Clearing House determines to cease acting as a Clearing House, whether generally or in relation to a particular class of Contracts. It would provide for the application of the procedures and terms in specified sections of Rule 918 to effect termination of the relevant contracts, including the timing of termination and the determination of the termination price.

Rule 916 would permit the Clearing House to terminate an entire Contract Category in certain circumstances following an Event of Default, including where there has been an Under-priced Auction or the Clearing House otherwise does not believe it will have sufficient assets to perform its obligations in respect of that Contract Category. Rule 916 would set out procedures for such termination, including notice of termination and calculation of the termination timing and price. Under the amendments, ICE Clear Europe would be permitted to use the procedures of Rule 916 in connection with the CDS Contract Category, in addition to the F&O Contract Categories currently covered by the Rule.

In addition, Rule 912, which provides for contract termination upon Clearing House insolvency and failure to pay events, would be extended to apply to CDS Contracts as well as F&O Contracts.

[8] See, *e.g.,* ICE Clear Credit Rule 102 (definition of ''Cooling-off Period'').

Certain other conforming changes would be made in Rule 912.

VII. Additional Changes

ICE Clear Europe has proposed certain additional changes to the Rules that are generally in the nature of drafting improvements and updates, clarifications and conforming changes. In particular, Rule 101 would be revised to add new defined terms that are used in the rule changes discussed above, such as those relating to Assessment Amounts, CDS Default Auction Procedures, Default Auctions, Default Auction Procedures, Initial CDS Auction, Relevant Contract Categories, Secondary CDS Auction and Under-priced Auction. Certain such defined terms would be moved from Rule 913 to Rule 101. ICE Clear Europe would also revise Rule 101 to include, for clarity, additional cross-references to various terms that are defined in other parts of the Rules. Updates to the definitions relating to recovery provisions in Rule 913 would also be made, consistent with the changes discussed herein. Other updates to definitions and cross-references would be made throughout the Rules, including in Parts 4 and 11.

Certain other conforming changes would be made throughout the Rules to reflect the new default management tools and provisions discussed above and related defined terms, including in Part 15 of the Rules. Rule 903(d) would be amended to align treatment of automatic default termination provisions for all Contract Categories. In Rule 906, ''OA'' would be revised to clarify that certain amounts payable to Clearing Members in respect of Guaranty Fund Contributions, assessments, reduced gains distribution, partial tear-up and collateral offset obligations are to be taken into account in that component of the net sum calculation. In addition, certain clarifications and conforming updates would be made in Part 12 of the Rules. Rule 1901(k) would be amended to provide that Sponsored Principals could be required to participate in Default Auctions. Certain other typographical and cross-reference corrections would be made throughout the Rules.

ICE Clear Europe would also make an amendment to its Clearing Procedures to reflect the renaming of its risk model.

VIII. Governance

Under the CDS Default Auction Procedures, ICE Clear Europe would be required to consult with its CDS Default Committee as to certain matters of auction design. These include the division of the relevant portfolio into lots, as well as decisions as to whether to hold additional auctions and/or accept a partial fill of any lot in any such auction. The CDS Default Committee is made up of personnel seconded from Clearing Members, who are required to act in the best interests of ICE Clear Europe in that capacity. The CDS Default Committee would be expected to work together with, and under the supervision of, the ICE Clear Europe risk department, and would be supported by ICE Clear Europe legal, compliance and other personnel.

Based on its existing Board charter and practice, ICE Clear Europe expects that key decisions involving whether to hold a Secondary CDS Auction, invoke reduced gains distribution, implement a partial tear-up and/or terminate a clearing service would be made in consultation with the ICE Clear Europe Board. In this regard, it bears noting that the Board is independent of ICE Clear Europe management.

In particular, upon an Event of Default with respect to a Clearing Member, the President of ICE Clear Europe has been delegated by the Board authority to take the relevant steps set out under the Rules, or to ensure that such steps are taken. Under the terms of delegation, the President is required to ensure that the Board is informed of the relevant circumstances, steps or actions taken or determinations made or approvals given, as soon as practicable subsequent to such Event of Default. The Board may, in its discretion, where possible and practical, rescind any steps or actions taken or determinations made or approvals given, or amend such actions, steps, determinations or approvals, as it determines appropriate. ICE Clear Europe believes that these arrangements, which are used for its existing F&O default management, recovery and wind-down tools, are also appropriate for the extension of those tools to the CDS Contract Category.

(b) Statutory Basis

ICE Clear Europe believes that the proposed rule changes are consistent with the requirements of Section 17A of the Act [9] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[10] In particular, Section 17A(b)(3)(F) of the Act requires that that the rule change be consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICE Clear Europe, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible, and the protection of investors and the public interest.[11] As discussed herein, the proposed rule changes are principally designed to address the risks posed to ICE Clear Europe by a significant default by one or more Clearing Members or Sponsored Principals. Although ICE Clear Europe has established the level of its required financial resources in order to cover defaults in extreme but plausible market conditions, consistent with regulatory requirements, and has existing default management tools and procedures to address default losses, ICE Clear Europe nonetheless faces the risk of a loss scenario (however implausible) that exceeds such conditions (as a result of which its financial resources and tools may not be sufficient to enable it to cover the loss in full).

ICE Clear Europe has previously adopted rules and procedures pursuant to the F&O Recovery Rule Amendments addressing such extreme loss scenarios (often referred to as ''recovery'' and ''wind-down'' scenarios) with respect to the F&O Contract Category. The proposed rule changes would extend these tools and procedures to the CDS Contract Category, with certain modifications that reflect the particular characteristics of the CDS product and the market participants who trade and clear it. ICE Clear Europe does not propose to change its existing risk methodology or margin framework for CDS Contracts, which are its initial lines of defense against losses from Clearing Member or Sponsored Principal default. However, as discussed herein, the amendments would provide additional default tools and procedures for addressing a default by a CDS Clearing Member, including initial and secondary CDS auction procedures and partial tear-up, that are designed to permit ICE Clear Europe to restore a matched book and limit its exposure to potential losses from a CDS Clearing Member or Sponsored Principal default in extreme scenarios that may not be able to be addressed by standard risk management and default procedures. The amendments would also make available the tool of reduced gains distribution for the CDS Contract Category in limited circumstances, where the Clearing House has exhausted its other funded financial resources. This tool could permit the Clearing House to continue operations for a limited number of days in order to facilitate a final auction or partial tear-up. The enhanced procedures for full CDS clearing service termination would also serve as a means of addressing

[9] 15 U.S.C. 78q–1.

[10] 17 CFR 240.17Ad–22.

[11] 15 U.S.C. 78q–1(b)(3)(F).

general business risk, operational risk and other risks that may otherwise threaten the viability of the Clearing House. Moreover, the amendments would clarify the ability of CDS Clearing Members and Sponsored Principals to withdraw from the Clearing House (and specify the responsibilities and liabilities of the Clearing House, the Clearing Member and the Sponsored Principal in such situations), thereby providing greater certainty for both the Clearing House and its Clearing Members and Sponsored Principals. Certain other clarifications and improvements would be made to the default management procedures for F&O Contracts, including the adoption of a partial tear-up tool for returning to a matched book.

In the proposed rule changes, ICE Clear Europe has sought to develop default management tools that permit and incentivize involvement of CDS Clearing Members, Sponsored Principals and customers of CDS Clearing Members in a default management scenario. For example, the new CDS default auction procedures are designed to incentivize competitive bidding through the possibility of juniorization of Guaranty Fund and assessment contributions. The auction procedures further contemplate that customers may participate directly in default auctions at their election (subject to making the required clearing deposit), or alternatively may participate through a Clearing Member (without the need for such a deposit). ICE Clear Europe believes that such participation will lead to more effective and efficient auctions, and give customers of CDS Clearing Members the opportunity to protect against the possibility of partial tear-up (to the extent the consequences thereof are adverse to them) and reduced gains distribution through bidding competitively in the auction.

The amendments also more clearly allocate certain losses as among ICE Clear Europe, CDS Clearing Members, Sponsored Principals and their customers. The amendments are designed to plan for a remote and unprecedented, but potentially extreme, type of loss event—a loss from one or more CDS Clearing Member or Sponsored Principal defaults that exhausts funded resources and requires additional recovery or wind-down steps. Such losses would necessarily and adversely affect some or all CDS Clearing Members, Sponsored Principals, customers or other stakeholders. In ICE Clear Europe's view, its current Rules applicable to CDS Contracts and CDS Clearing Members (including the Continuing CDS Rule Provisions), with the possibility of forced allocation, could force certain risks of loss only on CDS Clearing Members, in a way that is unpredictable and difficult to quantify in advance, and that CDS Clearing Members have strongly stated is undesirable from their perspective. ICE Clear Europe believes that the amendments take a more balanced approach that distributes potential losses more broadly, to Clearing Members, Sponsored Principals and customers that would otherwise have potential gains. Specifically, in the event of a partial tear-up, all market participants (Clearing Members, Sponsored Principals and customers) holding the relevant positions would be affected on a pro rata basis. Similarly, losses arising from reduced gains distribution would be shared on a pro rata basis by Clearing Members, Sponsored Principals and customers with gain positions. In the event of a full termination, any shortfall in resources would similarly be shared on a pro rata basis across all Sponsored Principals and Clearing Members and their customers. ICE Clear Europe also believes that the amendments would provide greater certainty as to the consequences of default and the resources that would be available to support clearing operations, to allow stakeholders to evaluate more fully the risks and benefits of clearing.

In light of discussions with CDS Clearing Members, customers and other market participants, and the views expressed by industry groups and others, ICE Clear Europe believes that the amendments would provide an appropriate and equitable method to allocate the loss from an extreme CDS default scenario to CDS Clearing Members and their customers, and Sponsored Principals, on the basis of their respective positions. ICE Clear Europe further believes that the approach taken would facilitate the ability of the Clearing House to fully allocate the loss so that it can continue clearing operations and withstand and/or recover from extreme loss events. The amendments therefore would further the prompt and accurate clearance and settlement of cleared transactions. The amendments would also support the stability of the clearing system, as part of the broader financial system, and would promote the protection of market participants from the risk of default by another market participant and the public interest more generally. In light of the importance of Clearing Houses to the financial markets they serve, the policies in favor of clearing of financial transactions as set out in the European Market Infrastructure Regulation (EMIR) [12] and Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act,[13] and the potential adverse consequences of a Clearing House failure for the financial markets, the amendments would support the public interest and the protection of investors. Through increasing the ability of ICE Clear Europe to withstand and recover from extreme loss events, the amendments may also enhance the safeguarding of securities and funds in the custody or control of the Clearing House or for which it is responsible, and avoid disruption of access to such assets.

The amendments would also satisfy the specific relevant requirements of Rule 17Ad–22,[14] as set forth in the following discussion:

Financial Resources. Rule 17Ad–22(b)(2)–(3) [15] requires, in relevant part, a clearing agency for security-based swaps to ''use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements'' and maintain financial resources ''sufficient to withstand, at a minimum, a default by the two participant families to which it has the largest exposure in extreme but plausible market conditions.'' Rule 17Ad–22(e)(4)(ii) [16] similarly requires a covered clearing agency involved in activities with a more complex risk profile (such as CDS) to maintain ''financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions.'' ICE Clear Europe's funded margin and Guaranty Fund resources are currently designed to be sufficient to meet ICE Clear Europe's financial obligations in respect of CDS Contracts to CDS Clearing Members notwithstanding a default by the two CDS Clearing Member families creating the largest combined loss, in extreme but plausible market conditions, consistent with these regulatory requirements. ICE Clear Europe does not

[12] Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, as well as various implementing regulations and technical standards.

[13] P.L. 111–203 (July 21, 2010).

[14] 17 CFR 240.17Ad–22.

[15] 17 CFR 240.17Ad–22(b)(2)–(3).

[16] 17 CFR 240.17Ad–22(e)(4)(ii).

propose to reduce such funded resources. The amendments are intended to enhance and provide greater certainty as to the additional resources, beyond the funded margin and Guaranty Fund resources, that would be available to support CDS clearing operations in more extreme CDS Clearing Member and Sponsored Principal default scenarios.

As set forth above, the amendments would maintain the existing limitation on assessment contributions per default, and impose a new limitation on CDS Guaranty Fund replenishments and assessments during a Cooling-off Period. The amendments would require that Clearing Members continue to replenish the Relevant Guaranty Fund and meet assessment obligations during the Cooling-off Period, subject to an aggregate 3x limit. In addition, in the event the 3x limit is reached, the amended rules would allow ICE Clear Europe to call on Clearing Members for additional initial margin in order to ensure that it maintains sufficient resources to comply with applicable minimum regulatory financial resources requirements. In ICE Clear Europe's view, these changes would provide an appropriate balance between several competing interests of the Clearing House and Clearing Members. Although the amendments could in theory limit the maximum resources available to the Clearing House (as compared to the absence of a cap), the changes would provide greater certainty for Clearing Members as to their maximum liability with respect to the relevant Guaranty Fund in the event of defaults (and thus their maximum amount of mutualized risk), in order to facilitate their own risk management, regulatory and capital considerations. This greater certainty is in turn intended to help stabilize the Clearing House during a period of significant stress, including where there are multiple defaults. In particular, a Cooling-off Period and limit on assessments may reduce the risk of cascading defaults, where the financial demands placed on non-defaulting Clearing Members for repeated assessments or replenishments could cause such Clearing Members to themselves experience financial stress or even default, which could make the default management process more difficult. The Cooling-off Period thus would reduce the potential procyclical effect of requiring additional mutualized Guaranty Fund contributions in times of stress. The period is designed to give the Clearing House time to work out the default without exacerbating these stresses, while also allowing the Clearing House and Clearing Members time to assess whether the defaults would be able to be resolved and normal clearing would be able to resume.

In addition, the amendments would ensure that ICE Clear Europe maintains sufficient resources to continue operations in compliance with minimum regulatory financial resources requirements, either through replenishment of the Relevant Guaranty Fund in the normal course, or in an extreme situation where the 3x cap is reached, by providing ICE Clear Europe the ability to call for additional initial margin. ICE Clear Europe recognizes that the ability to call for such additional initial margin, particularly in times of stress, could have a potential procyclical impact and potential liquidity impact on Clearing Members and their customers that is greater than guaranty fund replenishment, because initial margin is not subject to mutualization. As a result, the amount of additional initial margin required could exceed the amount of guaranty fund replenishment that would be required in the absence of the 3x cap. At the same time, ICE Clear Europe believes that these risks would be limited to a particular remote loss scenario, and would be mitigated by certain factors. ICE Clear Europe expects to limit the additional margin to the amount necessary to maintain minimum regulatory financial resources compliance, which may be less than the amount ICE Clear Europe would otherwise require under its Guaranty Fund methodology. ICE Clear Europe also expects that over the course of a Cooling-off Period, aggregate potential stress losses, and thus the need for additional financial resources, would generally decrease. In particular, Sponsored Principals and Clearing Members (and their customers) have the opportunity during the Cooling-off Period to reduce or rebalance the risk in their own portfolios, and thus mitigate potential stress loss and exposure to initial margin increases. Sponsored Principals and Clearing Members and their customers could also participate in default management (through participation in auctions), which would help them reduce their own risk profile. Greater involvement in default management could enhance competitive bidding, which in turn could reduce the likelihood that the 3x cap will be reached. In addition, and most importantly, additional initial margin posted by Sponsored Principals and Clearing Members would not be subject to mutualization and could not be used to cover defaults of other Sponsored Principals and Clearing Members. As a result, while Sponsored Principals and Clearing Members could be required to post more funds as additional initial margin than in a replenishment of a mutualized Guaranty Fund, the risk of loss to Sponsored Principals and Clearing Members of those additional margin funds is substantially less than for Guaranty Fund replenishment.

The Clearing House would reduce the length of the Cooling-off Period to a duration of 30 calendar days (which is proposed to apply to all Contract Categories). The change reflects evolution in views among market participants and others as to the appropriate length of the period since the time of adoption of the F&O Recovery Rule Amendments. The period is intended to be long enough to provide the Clearing House and Sponsored Principals with a measure of stability and predictability as to the use of guaranty fund resources and avoid incentivizing Clearing Members and Sponsored Principals to withdraw from the Clearing House following a default. In the case of CDS Contracts, this period would also be consistent with the timeframe for the normal, periodic recalculation of ICE Clear Europe's guaranty fund under Part 11 of the Rules and the Finance Procedures (which is done on a monthly basis), a period that ICE Clear Europe has found appropriately balances stable Guaranty Fund requirements with the ability to make changes as necessary. ICE Clear Europe also believes, based on its analysis of the relevant derivatives markets and historical default scenarios involving a large market participant, that 30 days has historically been an adequate period for the market to stabilize following a significant default event. (This was, for example, observed in the interest rate swap market following the Lehman insolvency.) ICE Clear Europe similarly believes that in the context of a Cooling-off Period, 30 calendar days is an appropriate time horizon to seek to stabilize the Clearing House, in light of the products cleared by ICE Clear Europe, and reduce stress on non-defaulting Sponsored Principals and Clearing Members (and their customers) as the Clearing House conducts its default management.

In ICE Clear Europe's view, the 30-day Cooling-off Period and assessment and replenishment limits balance the interests of the Clearing House, Sponsored Principals and Clearing Members and in the aggregate enhance the likelihood that the Clearing House can withstand a default. In ICE Clear Europe's view, the proposed amendments are thus consistent with

the financial resources requirements of Rule 17Ad–22(b)(2)–(3) and (e)(4)(ii).[17]

Settlement Process and Reduced Gains Distribution. Rules 17Ad–22(e)(8)[18] requires that a covered clearing agency ''define the point at which settlement is final to be no later than the end of the day on which the payment or obligation is due and, where necessary or appropriate, intraday or in real time.'' The amendments contemplate that as a secondary default management step, in extreme cases, ICE Clear Europe could implement reduced gains distributions for CDS Contracts for up to five business days where it has exhausted all other financial resources (including assessment contributions). In such case, ICE Clear Europe would continue to collect mark-to-market margin owed to it from all non-defaulting Clearing Members, but would reduce outbound payments of mark-to-market margin owed to Sponsored Principals and Clearing Members to reflect available resources. ICE Clear Europe would calculate the haircut amount for CDS Contracts on a daily basis for each day of reduced gains distribution, without consideration of reductions on prior days. As a result, settlement on any day of reduced gains distributions for CDS Contracts would be final, as ICE Clear Europe would not have any ability to reverse or unwind the settlement. As a result, in ICE Clear Europe's view, the amendments are consistent with the settlement finality requirements noted above.

Default Procedures. Rule 17Ad–22(e)(13)[19] requires the covered clearing agency to ensure that it ''has the authority and operational capacity to take timely action to contain losses and liquidity demands'' in the case of default. The proposed amendments would clarify and augment the Rules and procedures relating to default management, with the goal of enhancing the ability of the Clearing House to withstand extreme default events, particularly for CDS Contracts (which were not covered by the F&O Recovery Rule Amendments). For CDS Contracts, the amendments more clearly distinguish between standard default management events, largely covered by its existing default rules and procedures, and more extreme default management scenarios, for which recovery tools may be appropriate. The amendments include a new set of procedures for Initial CDS Auctions, designed to facilitate liquidation of the defaulter's portfolio through a multi-lot modified Dutch auction. The auction procedures require participation of all CDS Clearing Members (unless outsourced to another Clearing Member in accordance with the Rules), and permit direct participation in the auction by customers as well as Clearing Members and Sponsored Principals. The procedures also provide incentives for competitive bidding through juniorization of Guaranty Fund and assessment contributions, as discussed above. The amendments further include a set of procedures for Secondary CDS Auctions, intended to provide for an effective final auction of the entire remaining portfolio, prior to the exercise of other recovery tools such as partial tear-up.

Following consultation with Clearing Members, ICE Clear Europe is proposing to remove the existing CDS default management tool of forced allocation, in light of concerns that the tool could result in unpredictable and unquantifiable liability for CDS Clearing Members. Instead, ICE Clear Europe would have the option to invoke a partial tear-up of CDS positions to restore a matched book in the event that it would be unable to auction the defaulter's remaining portfolio. The amendments would also permit the use of partial tear-up for other Contract Categories. Partial tear-up, if used, would occur at the most recent mark-to-market or settlement price determined by ICE Clear Europe, contemporaneously with such determination. As a result, partial tear-up would not result in additional loss to Clearing Members or Sponsored Principals as compared to the most recent mark to market settlement (and if reduced gains distribution is invoked, partial tear-up will not entail additional loss beyond that resulting from such reduced gains distribution). ICE Clear Europe believes that this revised set of tools would maximize the Clearing House's ability to efficiently, fairly and safely manage extreme default events. The amendments further provide for the allocation of losses that exceed funded resources, through assessments and replenishments to the Guaranty Fund, as described herein, and the use of reduced gains distributions when necessary, following the exhaustion of all other resources. The amendments thus are designed to permit ICE Clear Europe to fully allocate losses arising from default by one or more Clearing Members or Sponsored Principals, with the goal of permitting the Clearing House to resume normal operations. Furthermore, ICE Clear Europe contemplates testing of the use of the new tools and procedures as part of its regular default management exercises, in order to identify and manage any related operational risks. The results of such testing would be shared with appropriate ICE Clear Europe risk and governance committees and regulators, consistent with the treatment of the results of other default management testing.

As a result, in ICE Clear Europe's view, the amendments would allow it to take timely action to contain losses and liquidity pressures, within the meaning of Rule 17Ad–22(e).

Risk and Operational Resources. Rule 17Ad–22(e)(3)[20] requires that a covered clearing agency ''maintain a sound risk management framework for comprehensively managing'' risks, including credit and operational risks, that arise in or are borne by the covered clearing agency. This includes adopting plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, among other losses. As set forth herein, ICE Clear Europe believes the amendments would facilitate its ability to effect recovery or wind-down, if necessary, in connection with extreme loss events, and in particular extend its existing recovery and wind-down tools and procedures to the CDS Contract Category. ICE Clear Europe further anticipates that it would revise its existing recovery and wind-down plans, as filed with the Commission, to reflect the rule amendments set forth herein upon their approval and implementation.

ICE Clear Europe further believes that its operational systems and capabilities are sufficient to support the proposed rule changes and new default management tools that would be implemented under those amendments. For the most part the changes extend to the CDS Contract Category Rules, procedures and tools that already apply to the F&O Contract Category. Accordingly, ICE Clear Europe has developed various systems relating to the default management process, and has done significant work to incorporate its F&O recovery tools and procedures in those systems. Once the rule amendments become effective, ICE Clear Europe would complete the incorporation of those tools into its systems for CDS Contracts, and test such systems as part of its regular system testing process.

Well-Founded Legal Framework. Rule 17Ad–22(e)(1)[21] requires that a covered clearing agency have rules and policies

[17] 17 CFR 240.17Ad–22(b)(2)–(3) and (e)(4)(ii).

[18] 17 CFR 240.17Ad–22(e)(8).

[19] 17 CFR 240.17Ad–22(e)(13).

[20] 17 CFR 240.17Ad–22(e)(3).

[21] 17 CFR 240.17Ad–22(e)(1).

reasonably designed to ''provide for a well-founded, clear, transparent and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.'' ICE Clear Europe believes that the amendments would provide a clearer and more transparent set of default management procedures for addressing extreme loss events in the CDS Contract Category, in a manner that is largely consistent with the approach already used for the F&O Contract Category. These changes (including the elimination of the Continuing CDS Rule Provisions), and the greater harmonization among product categories, would provide greater certainty to the Clearing House, Clearing Members, Sponsored Principals and other market participants as to the various tools available to the Clearing House and the potential liabilities of Clearing Members, Sponsored Principals and others in such events. ICE Clear Europe further believes that the amendments would facilitate the Clearing House's ability to conduct an orderly recovery or, if necessary, wind-down process, in accordance with the requirements of applicable regulations. ICE Clear Europe has in addition considered legal advice of internal and external counsel with respect to the implementation of the amendments. As a result, ICE Clear Europe believes the amendments are consistent with the requirements of Rule 17Ad–22(e)(1).

Governance. Rule 17Ad–22(e)(2) [22] requires that a covered clearing agency provide for governance arrangements that, among other matters, are ''clear and transparent,'' ''clearly prioritize the safety and efficiency of the covered clearing agency,'' ''specify clear and direct lines of responsibility'' and ''consider the interests of relevant stakeholders of the covered clearing agency.'' ICE Clear Europe believes that its governance around the use of the recovery and wind-down tools and procedures set out in the Rule amendments, and in particular the extension of existing tools and procedures to CDS Contracts, is consistent with these requirements. Under the proposed CDS Default Auction Procedures, ICE Clear Europe would consult with its CDS Default Committee with respect to the terms for Initial CDS Auctions and Secondary CDS Auctions, including as to the definitions of relevant lots in the auction and decisions as to whether to hold additional auctions and/or accept a partial fill of a lot in any auction. Consistent with its existing Board charter and practice, ICE Clear Europe expects that key decisions relating to recovery and wind-down considerations, such as invoking reduced gains distributions, holding a Secondary CDS Auction, implementing a partial tear-up and/or terminating a relevant clearing service, would be made in consultation with ICE Clear Europe's Board. Those procedures provide, among other matters, for notice to the Board of relevant actions, and contemplate the Board's ability to rescind or modify actions taken by management. In this regard, the ICE Clear Europe Board is independent of ICE Clear Europe management. In ICE Clear Europe's view, the proposed arrangements would involve appropriate consultation with Clearing Members through the CDS Default Committee, and with the Board, which is the governing body best placed to take into account the interests of the Clearing House and all relevant stakeholders. ICE Clear Europe further believes that these arrangements, which are used for its existing F&O default management, recovery and wind-down tools, are also appropriate for the extension of those tools to the CDS Contract Category.

For the foregoing reasons, ICE Clear Europe believes that the proposed rule changes would be consistent with the requirements of Section 17A of the Act [23] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[24]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. The amendments will would apply uniformly to all CDS Clearing Members (and customers of Clearing Members), and generally serve to harmonize the treatment of CDS Clearing Members with other Clearing Members in the case of extreme loss events. ICE Clear Europe does not anticipate that the amendments would affect the day-to-day operation of the Clearing House under normal circumstances, or even in typical default management scenarios. ICE Clear Europe is not proposing to alter the standards or requirements for becoming or remaining a Clearing Member, or otherwise using the clearing services it provides. ICE Clear Europe also does not propose to change its methodology for calculation of margin or guaranty fund contributions. The amendments are intended to address instead the risk of extreme loss events, and provide the Clearing House additional tools and resources to withstand and/or recover from extreme loss events, particularly for the CDS Contract Category, so that it can restore a matched book, fully allocate any losses, and resume normal clearing operations. The amendments are consistent with requirements for clearing organizations to implement such procedures under applicable law and regulation, and relevant international standards. As a result, ICE Clear Europe does not believe the amendments would adversely affect the ability of Clearing Members or other market Clearing Members to continue to clear contracts, including CDS Contracts. ICE Clear Europe also does not believe the enhancements would limit the availability of clearing in CDS or other products for Clearing Members or their customers or otherwise limit market Clearing Members' choices for selecting clearing services in CDS and other products.

In the case of an extreme default scenario, as discussed herein, the proposed rules and default management procedures could impose certain costs and losses on Clearing Members or their customers, as well as ICE Clear Europe. ICE Clear Europe has sought to appropriately balance the allocation of such costs and losses, with appropriate techniques (such as competitive auctions) through which Clearing Members and customers can mitigate the risks of such losses. The amendments would also remove the tool of forced allocation, which potentially forced CDS Clearing Members to face uncertain and unquantifiable liability in certain default scenarios. The amendments would extend to CDS Contracts features such as Cooling-off Periods, that provide appropriate and transparent limits on the potential liability faced by Clearing Members. As a result, in ICE Clear Europe's view, while the proposed amendments could impose certain costs and losses on market participants, that allocation is appropriate in light of the default management goals of the Clearing House, the goals of promoting orderly Clearing House recovery, and the broader public interest in the strengthening of the clearing system to withstand significant default events. As a result, ICE Clear Europe does not believe that the proposed rule changes impose any burden on competition that is not appropriate in furtherance of the purpose of the Act.

[22] 17 CFR 240.17Ad–22(e)(2).

[23] 15 U.S.C. 78q–1.

[24] 17 CFR 240.17Ad–22.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule changes have been discussed with Clearing Members (individually and as a group). The changes have been developed over the course of several years, and throughout that time ICE Clear Europe has consulted with Clearing Members on both the overall design and the detailed drafting of the amendments. Several aspects of the amendments reflect requests and concerns identified by Clearing Members, as discussed above (both through direct discussions and from public statements by Clearing Members and other market participants concerning recovery and wind-down issues for clearing generally), including the removal of forced allocation, introduction of a Cooling-off Period for CDS Contracts and establishment of aggregate limitations on assessments and replenishments. The introduction of partial tear-up and reduced gains distributions as recovery tools have also been discussed with Clearing Members, and have been drafted to take into account suggestions raised by Clearing Members, including to define the circumstances in which those tools may be used and to limit the adverse impact of such tools on netting, regulatory capital and other matters. Certain CDS Clearing Members have expressed concern in particular with the potential use of reduced gains distribution as a recovery tool. While ICE Clear Europe believes reduced gains distribution is an important tool for ensuring its ability to fully allocate losses, ICE Clear Europe has, in light of such concerns, limited the use of reduced gains distribution for CDS Contracts to scenarios in which all other funded financial resources of the Clearing House have been exhausted. ICE Clear Europe has also consulted with CDS Clearing Members on the details of the Initial CDS Auctions and Secondary CDS Auction procedures, and has taken into account comments and suggestions concerning such matters as minimum bid requirements, use of a Dutch versus other auction methodologies, degree and triggers for juniorization and participation by customers. ICE Clear Europe has shared drafts of the amendments with Clearing Members, and informally sought (and received) comment from Clearing Members and Clearing Members' internal and external counsel on such drafts, which ICE Clear Europe has taken into consideration in the drafting of the amendments.

ICE Clear Europe has also conducted a public consultation with respect to the proposed rule amendments.[25] ICE Clear Europe received one written comment on the proposed rule changes as set out in the consultation, which questioned whether reduced gains distribution for CDS Contracts is appropriate prior to the exhaustion of assessment contributions. ICE Clear Europe believes the approach it has taken is appropriate, as Rule 914(n) requires both that (1) all available resources other than assessment contributions have been exhausted, and (2) assessments have been called and have become due and payable, before ICE Clear Europe can implement reduced gain distribution for CDS Contracts. The approach reflects the risk that unfunded assessments may not be paid when due, and further provides that any reduced gains distributions made will be reimbursed through assessments when received.

ICE Clear Europe will notify the Commission of any written comments on the proposed rule changes received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission and Advance Notice and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2019–003 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–ICEEU–2019–003. 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, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2019–003 and should be submitted on or before June 7, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10227 Filed 5–16–19; 8:45 am]

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[25] Circular C17/107 (22 September 2017), available on the ICE Clear Europe website at *https://www.theice.com/publicdocs/clear_europe/circulars/C17107.pdf.*

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85845; File No. SR–CboeBZX–2019–043]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Operative Date of Rule Change Pursuant to SR–CboeBZX–2019–025

May 13, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 7, 2019, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to delay the operative date of rule change pursuant to SR–CboeBZX–2019–025.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On April 8, 2019, the Exchange filed a rule filing, SR–CboeBZX–2019–025, which, among other things, adopted rules to allow Market Makers to select class appointments rather than registering for series, as well as amended Market Makers' continuous quoting obligations.[5] Pursuant to SR–CboeBZX–2019–025, the proposed changes would not be implemented until on or around May 10, 2019. However, in order to allow current and potential Market Makers more time to update their systems to be compatible with the class appointments under amended Rule 22.3 and continuous quoting requirements under amended Rule 22.6(d), the Exchange now proposed to extend the operative date stated within SR–CboeBZX–2019–025 to on or around October 1, 2019.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[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.

The proposed rule change is merely delaying the operative date of a rule change previously filed with the Commission. This will ensure Market Makers on BZX Options are given ample time to modify their systems and update their surveillance controls as necessary in order to properly meet the amended class appointments and continuous quoting obligations. As a result, the amendment of the operative date serves to protect investors by fostering coordination with the Market Makers facilitating transactions in securities and by removing impediments to and perfecting the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendment to the operative date under SR–CboeBZX–2019–025 is merely delaying the operative date of a rule change previously filed with the Commission. The proposed delay to the operative date ensures market participants are allowed sufficient time to implement necessary modifications and updates to their systems and surveillance controls in order to comply with the rule change, which ultimately protects investors. The Exchange believes the proposed delay to the operative date will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] Securities Exchange Act Release No. 85642 (April 16, 2018), 84 FR 16304 (April 18, 2018) (Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter 22 of the Exchange's Rulebook) (SR–CboeBZX–2019–025).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief

Continued

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to 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 effective and operative immediately upon filing. The Exchange states that the waiver will ensure that the rule change under SR–CboeBZX–2019–025 does not become operative on or around May 10, 2019. The Exchange further states that the waiver will give market participants an ample time to make necessary modifications and updates to meet the amended requirements. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[13]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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 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–CboeBZX–2019–043 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–CboeBZX–2019–043. 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–CboeBZX–2019–043 and should be submitted on or before June 7, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10225 Filed 5–16–19; 8:45 am]

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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.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85850; File No. SR–NASDAQ–2019–037]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule in Options 7, Section 2

May 13, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 2, 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, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule in Options 7, Section 2, which governs the pricing for Nasdaq participants using The Nasdaq Options Market (''NOM''), Nasdaq's facility for executing and routing standardized equity and index options.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to replace references to VXXB with VXX in its Pricing Schedule at Options 7, Section 2. As of May 2, 2019, the ticker symbol for VXXB (associated with the iPath Series B S&P 500 VIX Short-Term Futures exchange-traded note) will change to VXX.[3] Accordingly, the Exchange proposes to delete references to VXXB from the Tiers 3 and 4 NOM Market Maker Rebates to Add Liquidity in Penny Pilot Options currently applicable to AAPL, QQQ, IWM, SPY and VXXB, and replace those with VXX. The Tier 3 and Tier 4 rebates will otherwise remain unchanged under this proposal. The change is designed to prevent any potential confusion among market participants.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the replacing VXXB with VXX in the Tiers 3 and 4 NOM Market Maker Rebate to Add Liquidity in Penny Pilot Options currently applicable to AAPL, QQQ, IWM, SPY and VXXB is reasonable, equitable and not unfairly discriminatory because the proposed changes are designed to prevent potential confusion, and will allow for continued benefit to investors by providing them with an updated listed of symbols for these rebates.

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. As discussed above, the proposed changes to update references to VXXB to VXX are clarifications designed to avoid potential confusion among market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[6]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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 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–NASDAQ–2019–037 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–2019–037. 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–2019–037 and should be submitted on or before June 7, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10224 Filed 5–16–19; 8:45 am]

BILLING CODE 8011–01–P

[3] *See http://markets.cboe.com/resources/release_notes/2019/Cboe-BZX-Exchange-Ticker-Changes-for-VXXB-and-VXZB.pdf.*

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85849; File No. SR–CboeEDGA–2019–010]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the EDGA Equities Trading Platform Fee Schedule

May 13, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2019, Cboe EDGA Exchange, Inc. (''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the fee schedule applicable to the EDGA equities trading platform (''EDGA Equities'') as it relates to pricing for the use of the ROBB and ROCO routing strategies. The text of the proposed rule change is attached [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the EDGA Equities fee schedule to change the pricing applicable to orders routed using the ROBB and ROCO routing strategies in connection with planned changes to the System routing table.[3] ROBB and ROCO are a routing strategies offered by the Exchange that are used to target certain low cost venues by routing to those venues after accessing available liquidity on the EDGA Book. In February 2019, NYSE American LLC (''NYSE American'') and NYSE National, Inc. (''NYSE National'') were added to the System routing table as a low cost protected market centers. Therefore, pursuant to Rule 11.11(g), the Exchange has determined to add NYSE American and NYSE National as a low cost venues under the ROBB and ROCO routing strategies. These changes to the ROBB and ROCO routing strategies are scheduled to be introduced on May 1, 2019.

In recognition of the fact that NYSE American and NYSE National can be accessed at a low cost today, for securities priced at or above $1.00, the Exchange proposes to provide a fee to orders routed to NYSE American using the ROBB or ROCO routing strategies and a rebate for orders routed to NYSE National using the ROBB or ROCO routing strategies. Specifically, the Exchange proposes to add ROBB and ROCO to the list of routing strategies that yield fee code NX, which relates to orders routed to NYSE National, and to the list of routing strategies that yield fee code MX, which relates to orders routed to NYSE American. As proposed, orders routed to NYSE National using the ROBB or ROCO routing strategies would be provided a rebate of $0.00200 per share in securities priced at or above $1.00, and no charge or rebate would be applied for securities priced below $1.00. Orders routed to NYSE American using the ROBB or ROCO routing strategies would be assessed a fee of $0.00020, and no charge or rebate would be applied for securities prices below $1.00. The fee and rebate are consistent with those currently offered for orders routed to NYSE National and NYSE American using a similar low cost routing strategy, ROUC, yielding fee code NX and MX, respectively.

In addition to this, the Exchange proposes to reduce the per share rebate [sic] for orders routed to Cboe EDGX Exchange, Inc. (''EDGX'') and to reduce the per share fee [sic] assessed for orders routed to EDGX that add liquidity, including pre- and post-market orders. Currently, the Exchange assesses a fee of $0.0030 per share for orders routed to EDGX (yielding fee code I) in securities priced at or above $1.00. The Exchange also currently provides a standard rebate of $0.0027 per share for orders routed to EDGX that add liquidity, including pre- and post-market orders, (yielding fee code P) in securities priced at or above $1.00. The Exchange now proposes to reduce the fee assessed for orders routed to EDGX (yielding fee code I) in securities priced at or above $1.00 from $0.0030 to $0.00265. With respect to orders routed to EDGX that add liquidity, including pre- and post-market orders, (yielding fee code P) in securities priced at or above $1.00, the Exchange proposes to reduce the per share rebate from $0.0027 to $0.0017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[4] in general, and furthers the requirements of Section 6(b)(4),[5] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes the proposed routing fee changes are appropriate as they reflect changes to the System routing table used to determine the order in which venues are accessed using the ROBB and ROCO routing strategies. As stated, ROBB and ROCO specifically target certain equities exchanges that provide low cost executions or rebates to liquidity removing orders, and routes to those venues after trading with the EDGA Book. The Exchange believes that the proposed changes reflect the intent of Members when they submit routable order flow to the Exchange using the ROBB and ROCO routing strategies.

The Exchange believes that it is reasonable and equitable to begin rebating orders routed to NYSE National using the ROBB and ROCO routing strategies. As mentioned previously, the Exchange added these exchanges to its list of low cost protected market centers, and wishes to provide the benefit of the rebate or lower fee provided by those markets to EDGA members using the ROBB and ROCO routing strategies. The Exchange currently offers such incentives when routing to those markets using another low cost routing strategy, ROUC. As is the case for orders routed via the ROUC routing strategy to NYSE American or NYSE National, the Exchange believes the proposed fees and rebates applicable to the ROBB and ROCO routing strategies to these venues generally reflect the current transaction fees and rebates available for accessing liquidity on those markets.[6] The Exchange believes that this change may increase interest in the Exchange's

[3] The term ''System routing table'' refers to the proprietary process for determining the specific trading venues to which the System routes orders and the order in which it routes them. *See* Rule 11.11(g). The Exchange reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] NYSE American currently charges a fee for removing liquidity that is $0.00020 per share in securities priced at or above $1.00, and 0.25% of the total dollar value of the transaction in securities priced below $1.00. *See* NYSE American Equities Price List, I. Transaction Fees.

NYSE National currently provides a rebate of $0.00200 per share in securities priced at or above $1.00 for members that achieve their taking tier. *See* NYSE National Schedule of Fees and Rebates, I. Transaction Fees, B. Tiered Rates. Orders that remove liquidity in securities below $1.00 are executed without charge or rebate. *See* NYSE National, Schedule of Fees and Rebates, I. Transaction Fees, A. General Rates.

ROBB and ROCO routing strategies, in particular, by passing on better pricing to EDGA Members that choose to enter such orders on the Exchange, thereby encouraging additional order flow to be entered to the EDGA Book.

In addition to this, the Exchange believes that the proposed routing fee changes are equitable and not unfairly discriminatory as the proposed rebate would apply equally to all Members that use the Exchange to route orders using the associated routing strategies. The proposed fees are designed to reflect the fees charged and rebates offered by certain away trading centers that are accessed by Exchange routing strategies, and are being made in conjunction with changes to the System routing table designed to provide Members with low cost executions for their routable order flow. Furthermore, if Members do not favor the proposed pricing, they can send their routable orders directly to away markets instead of using routing functionality provided by the Exchange. Routing through the Exchange is voluntary, and the Exchange operates in a competitive environment where market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

The Exchange also believes that its proposal to reduce rates for orders routed to EDGX is reasonable because Members will pay lower transaction fees for such orders. Additionally, the Exchange notes that the proposed fee is lower than transaction fees assessed on other Exchanges.[7] The Exchange notes that the proposed fee reduction is not unfairly discriminatory as it applies uniformly to Members.

Finally, the Exchange believes the proposed reduced rebates for orders routed to EDGX that add liquidity (including pre- and post-market orders) is reasonable, equitable and not unfairly discriminatory because Members will still receive rebates for such orders, albeit at a lower amount. The Exchange also believes the proposed reduction of rebates for such orders is reasonable because the Exchange must balance the revenue received for orders that add liquidity (and as described above, the Exchange is reducing the rates assessed for orders routed to EDGX). Rebates for orders that add liquidity incentivize members to bring additional order flow through the Exchange, thereby promoting price discovery and enhancing order execution opportunities for Members.

[7] *See* NYSE Price List 2019, Routing Fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed routing fee changes are designed to reflect changes being made to the System routing table used to determine where to send certain routable orders, and generally provide better pricing to Members for orders routed to low cost protected market centers using the Exchange's routing strategies. The Exchange notes that the use of available routing strategies is optional for all Members. Also, the proposed rates and rebates would apply uniformly to all Members, and members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing venues to maintain their competitive standing in the financial markets. Further, excessive fees would serve to impair an exchange's ability to compete for order flow and members rather than burdening competition. Moreover, the proposed fee changes are designed to incentivize liquidity, which the Exchange believes will benefit all market participants by encouraging a transparent and competitive market. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f) of Rule 19b–4[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f).

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–CboeEDGA–2019–010 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-CboeEDGA–2019–010. 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-CboeEDGA–2019–010 and should be submitted on or before June 7, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10228 Filed 5–16–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85846; File No. SR–CboeBZX–2019–038]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

May 13, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 2019, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend its Fee Schedule. The text of the proposed rule change is attached [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a number of amendments to its fee schedule for its equity options platform (''BZX Options''), effective May 1, 2019.

NBBO Setter Tier

The Exchange currently offers five NBBO Setter Tiers under Footnote 4 of the fee schedule which provide an additional rebate between $0.01 and $0.05 per contract for orders that establish a new National Best Bid or Offer (''NBBO'') and which are appended with fee code PM and PN. The Exchange proposes to amend the required criteria under NBBO Setter Tier 3. NBBO Setter Tier 3 currently provides Members an additional rebate of $0.03 per contract where the Member (i) has an ADAV[3] in Non-Customer orders greater than or equal to 0.80% of average OCV;[4] and (ii) has an ADAV in Firm/Market Maker/Away MM orders that establish a new NBBO greater than or equal to 0.05% of average OCV. The Exchange proposes to amend the first prong to reduce the ADAV Non-Customer requirement to 0.75% of average OCV (instead of 0.80%). The proposed change intends to ease Tier 3's current criteria which the Exchange hopes will encourage those Members who could not achieve the tier previously to increase their order flow as a means to receive the tier's enhanced.

QIP Tiers

The Exchange currently offers two QIP Tiers under footnote 5, which provide an additional rebate ranging from $0.02 to $0.04 per contract for qualifying Market Maker[5] orders that add liquidity in: (i) Penny Pilot Securities that yield fee code PM and; (ii) Non-Penny Pilot Securities that yield fee code NM. The additional rebate per contract is for an order that adds liquidity to BZX Options in options classes in which a Member is a Market Maker registered pursuant to Exchange Rule 22.2. The Exchange no longer wishes to maintain these tiers, in part due to the increased opportunities for rebates for Market Maker orders, discussed more fully below. The Exchange therefore proposes to eliminate both tiers from the fee schedule.

Market Maker Penny Add Tiers

The Exchange currently offers three Market Maker Penny Pilot Add Volume Tiers (''MM Penny Add Tiers'') under footnote 6, which provide an enhanced rebate between $0.33 and $0.42 per contract for qualifying Market Maker orders which add liquidity in Penny Pilot securities[6] and yield fee code PM. The Exchange now proposes to (i) modify the required criteria under MM Penny Add Tiers 1 and 2, (ii) adopt six new MM Penny Add Tiers and (iii) amend the rebate and required criteria for current MM Penny Add Tier 3 (to be renumbered to Tier 9). The Exchange believes the additional MM Penny Add Tiers will provide Members additional opportunities and alternative means to receive enhanced rebates for meeting the corresponding proposed criteria. The Exchange believes the proposed tiers, along with the existing tiers, also provide an incremental incentive for Members to strive for the highest tier levels, which provide increasingly higher enhanced rebates.

First the Exchange proposes to modify the existing criteria under MM Penny Add Tiers 1 and 2. Currently, MM Penny Add Tier 1 provides that a Member will receive an enhanced rebate of $0.33 per contract where the Member has an ADAV in Market Maker orders greater or equal to 0.05% of average OCV. The Exchange proposes to

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''ADAV'' means average daily added volume calculated as the number of contracts added per day. *See* Exchange Fee Schedule.

[4] ''OCV'' means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close. *See* Exchange Fee Schedule.

[5] A Market Maker must be registered with BZX Options in an average of 20% or more of the associated options series in a class in order to qualify for QIP rebates for that class.

[6] ''Penny Pilot Securities'' are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.

increase the ADAV requirement to 0.10% of average OCV (instead of 0.05%). Under MM Penny Add Tier 2, Members receive an enhanced rebate of $0.40 per contract where a Member has an ADAV in Market Maker orders greater than or equal to 0.15% of average OCV. The Exchange proposes to similarly increase the ADAV requirement under MM Penny Add Tier 2 to 0.20% of overage OCV (instead of 0.15%). The proposed increases are designed to encourage entry of additional options orders to the Exchange.

Next, in connection with its proposal to adopt new MM Penny Add Tiers, the Exchange proposes to add language in its Definitions section defining ''ADRV''. Specifically, ADRV shall mean average daily removed volume calculated as the number of shares removed per day.[7] As discussed below, certain MM Penny Add Tiers will include an ADRV requirement as well. The Exchange notes that other exchanges maintain incentive tiers for orders that add liquidity that utilize criteria requiring Members to reach an ADRV threshold.[8]

The Exchange proposes to add new MM Penny Add Tier 3, which would provide an enhanced rebate of $0.40 per contract where a Member (i) has an ADAV in Market Maker orders greater than or equal to 0.15% OCV and (ii) Member has an ADRV in Market Maker orders greater than or equal to 0.15% OCV.

The Exchange also proposes to adopt new MM Penny Add Tier 4, which would provide an enhanced rebate of $0.40 per contract where a Member (i) has an ADAV in Market Maker orders greater than or equal to 0.10% OCV and (ii) has on BZX Equities an ADV greater than or equal to 0.60% of average TCV.[9] The Exchange proposes to create an add cross-asset tier which is designed to incentivize members to achieve certain levels of participation on both the Exchange's options and equities platform (''BZX Options''). The Exchange notes that others Exchanges offer tiers with cross-asset criteria requirements.[10]

The Exchange also proposes to adopt new MM Penny Add Tier 5, which would provide an enhanced rebate of $0.41 per contract where a Member has an ADAV in Market Maker orders greater than or equal to 0.30% OCV.

The Exchange proposes to add new MM Penny Add Tier 6, which would provide an enhanced rebate of $0.41 per contract where a Member (i) has an ADAV in Market Maker orders greater than or equal to 0.25% OCV and (ii) Member has an ADRV in Market Maker orders greater than or equal to 0.25% OCV.

The Exchange proposes to add new MM Penny Add Tier 7, which would provide an enhanced rebate of $0.42 per contract where a Member has an ADAV in Market Maker orders greater than or equal to 0.50% OCV.

The Exchange proposes to add new MM Penny Add Tier 8, which would provide an enhanced rebate of $0.42 per contract where a Member (i) has an ADAV in Market Maker orders greater than or equal to 0.35% OCV and (ii) Member has an ADRV in Market Maker orders greater than or equal to 0.35% OCV.

Currently, under MM Penny Add Tier 3, a Member may receive an enhanced rebate of $0.42 where they have an ADAV in Market Maker orders greater than or equal to 1.30% of average OCV and (ii) an ADV[11] of greater than or equal to 2.60% of average OCV. The Exchange first proposes to renumber Tier 3, to Tier 9 in light of the new proposed tiers (that offer lower rebates and have less stringent criteria). The Exchange also proposes increase the rebate provided under Tier 9 from $0.42 per contract to $0.46 per contract. The Exchange lastly proposes to ease Tier 9's current criteria to encourage entry of additional orders to the Exchange. Particularly, the Exchange proposes to reduce the required ADAV in Market Maker orders to 0.75% of OCV (instead of 1.30%). The Exchange also proposes to eliminate the second prong of the required criteria.

Market Maker Non-Penny Add Tiers

The Exchange currently offers two Market Maker Non-Penny Pilot Add Volume Tiers (''MM Non-Penny Add Tiers'') under footnote 6, which provide an enhanced rebate of $0.43 and $0.52 per contract for qualifying Market Maker orders which add liquidity in Non-Penny Pilot securities[12] and yield fee code NM. The Exchange proposes to increase the enhanced rebates in the MM Non-Penny Add Tiers. Specifically, the exchange proposes to (i) increase the rebate under MM Non-Penny Add Tier 1 from $0.43 per contract to $0.45 per contract and (ii) increase the rebate under MM Non-Penny Add Tier 3 from $0.52 per contract to $0.54 per contract.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the Section 6 of the Act,[13] in general, and Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed modifications to the NBBO Setter Tier 3 and MM Penny Add Tier 3 (renumbered to Tier 9) decreasing the ADAV as a percentage of OCV criteria that a Member must meet, along with eliminating the second prong of MM Penny Add Tier 3, is a reasonable means to further incentive Members to send a higher level of orders to the Exchange. Particularly, the Exchange believes that decreasing the tiers' criteria, although modestly, will encourage those Members who could not achieve the tiers previously to increase their order flow as a means to receive the tiers' additional rebate and enhanced rebate, respectively. The Exchange similarly believes increasing the rebate under MM Penny Add Tier 3 (renumbered to Tier 9) is reasonable because Members would receive a higher rebate for satisfying the required criteria and it is a means to further incentivize Members to send a higher level of orders to the Exchange. Furthermore, the Exchange believes that the proposed changes to both tiers are non-discriminatory because they apply, and are available, to all Members.

The Exchange believes eliminating the QIP Tiers is reasonable because the Exchange is not required to maintain these tiers and Members still have a number of other opportunities and a

[7] Like ADAV (which means average daily volume calculated as the number of contracts added to the Exchange) and ADV (which means average daily volume calculated as the number of contracts added or removed, combined, per day). ADRV will be calculated on a monthly basis. Additionally, as with ADAV and ADV, the Exchange will exclude from its calculation of ADRV shares added, removed, or routed on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours, on any day with a scheduled early market close, and on the last Friday in June. A member will be able to aggregate ADRV, ADAV and ADV) with other Members that control, are controlled by, or are under common control with such Member.

[8] *See e.g.,* Cboe EDGA U.S. Equities Exchange Fee Schedule, Footnote 1.

[9] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *See* Cboe BZX U.S. Equities Exchange Fee Schedule, Definitions.

[10] *See e.g.,* Cboe BZX U.S. Equities Exchange Fee Schedule, Footnote 1 and Cboe EDGX Options Exchange Fee Schedule, Footnote 4.

[11] ''ADV'' means average daily volume calculated as the number of contracts added or removed, combined, per day. *See* Exchange Fee Schedule.

[12] ''Penny Pilot Securities'' are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

variety of ways to receive enhanced rebates, including the existing and new MM Penny and Non-Penny Add Tiers, as discussed throughout this filing. The Exchange believes the proposal to eliminate these tiers is also equitable and not unfairly discriminatory because it applies to all Members.

The Exchange believes the proposed changes to the criteria under MM Penny Add Tiers 1 and 2 are reasonable because the proposed changes are modest and are designed to encourage entry of additional options orders to the Exchange. Increased liquidity benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Additionally, the Exchange believes the proposed criteria is commensurate with the rebates under the Tiers. The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they apply equally to all Members.

The Exchange believes the proposal to adopt new MM Penny Add Tiers is reasonable because it provides Members additional opportunities and alternatives to receive enhanced rebates. The Exchange believes the proposed changes also provide an incremental incentive for Members to strive for the highest tier level, which provides increasingly higher rebates. The Exchange additionally notes that volume-based incentives and discounts have been widely adopted by exchanges and are equitable and non-discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value of an exchange's market quality; (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes. The proposed required criteria of the Volume Tiers are intended to incentivize Members to send additional orders to the Exchange in an effort to qualify for the enhanced rebate made available by the respective tiers. The Exchange also notes that increased volume on the Exchange provides greater trading opportunities for all market participants. The Exchange also believes the proposed required criteria under the proposed tiers are commensurate with the proposed corresponding rebates. The Exchange believes the proposed tiers are also equitable and not unfairly discriminatory because they apply to all Members.

The Exchange lastly believes increasing the rebates under the MM Non-Penny Tiers are reasonable because Members would receive a higher rebate for satisfying the required criteria. The Exchange believes increased rebates will further incentivize Members to send a higher level of orders to the Exchange. The Exchange believes the proposed rebates are also equitable and not unfairly discriminatory because they apply to all Members that satisfy the respective tiers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendments to its Fee Schedule would not 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 that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes for each separate type of market participant will be assessed equally to all such market participants. While different fees are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. For example, Market Makers have quoting obligations that other market participants do not have. Further, the Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–038 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–CboeBZX–2019–038. 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

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

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–CboeBZX–2019–038 and should be submitted on or before June 7, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10226 Filed 5–16–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–482, OMB Control No. 3235–0540]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17a–25

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17a–25 (17 CFR 204.17a–25) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Paragraph (a)(1) of Rule 17a–25 requires registered broker-dealers to electronically submit securities transaction information, including identifiers for prime brokerage arrangements, average price accounts, and depository institutions, in a standardized format when requested by the Commission staff. In addition, Paragraph (c) of Rule 17a–25 requires broker-dealers to submit, and keep current, contact person information for electronic blue sheets (''EBS'') requests. The Commission uses the information for enforcement inquiries or investigations and trading reconstructions, as well as for inspections and examinations.

The Commission estimates that it sends approximately 13,493 electronic blue sheet requests per year to clearing broker-dealers that in turn submit an average 528,551 responses.[1] It is estimated that each broker-dealer that responds electronically will take 8 minutes, and each broker-dealer that responds manually will take 1½ hours to prepare and submit the securities trading data requested by the Commission. The annual aggregate hour burden for electronic and manual response firms is estimated to be 34,577 ($253{,}705 \times 8 \div 60 = 33{,}827$ hours) + ($500 \times 1.5 = 750$ hours), respectively.[2]

Written 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 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Office, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

[17] 17 CFR 200.30–3(a)(12).

[1] A single EBS request has a unique number assigned to each request (*e.g.,* ''0900001''). However, the number of broker-dealer responses generated from one EBS request can range from one to several thousand. EBS requests are sent directly to clearing firms, as the clearing firm is the repository for trading data for securities transactions information provided by it and correspondent firms. Clearing brokers respond for themselves and other firms they clear for. There were 528,551 responses during the 25 month period for an average of 21,142 responses per month or an average of 253,705 annual responses.

[2] Few respondents submit manual EBS responses. The small percentage of respondents that submit manual responses do so by hand, via email, spreadsheet, disk, or other electronic media. Thus, the number of manual submissions (approximately 500 per year) has minimal effect on the total annual burden hours.

Dated: May 13, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10234 Filed 5–16–19; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 15700; Oregon Disaster Number OR–00092 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Oregon

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Economic Injury Disaster Loan (EIDL) declaration for the State of Oregon, dated 09/27/2018.

Incident: Wildfires.

Incident Period: 07/15/2018 through 11/03/2018.

DATES: Issued on 05/13/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 06/27/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the Administrator's Economic Injury disaster declaration for the State of Oregon, dated 09/27/2018, is hereby amended to establish the incident period for this disaster as beginning 07/15/2018 and continuing through 11/03/2018.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Christopher M. Pilkerton,

Acting Administrator.

[FR Doc. 2019–10321 Filed 5–16–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as

amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 05/05–0265 issued to Centerfield Capital Partners, L.P. said license is hereby declared null and void.

United States Small Business Administration.

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2019–10324 Filed 5–16–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15894 and #15895; California Disaster Number CA–00298]

Administrative Declaration Amendment of Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Administrative declaration of a disaster for the State of California dated 03/21/2019.

Incident: Winter Storms and Flooding.

Incident Period: 02/25/2019 through 03/02/2019.

DATES: Issued on 05/13/2019.

Physical Loan Application Deadline Date: 05/20/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 12/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of an Administrative declaration for the State of California, dated 03/21/2019, is hereby amended to establish the incident period for this disaster as beginning 02/25/2019 and continuing through 03/02/2019.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Christopher M. Pilkerton,

Acting Administrator.

[FR Doc. 2019–10323 Filed 5–16–19; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36294]

TNW Corporation—Continuance in Control Exemption—Midwestern Railway Services, Corporation

TNW Corporation (TNW), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Midwestern Railway Services, Corporation (MRS) upon MRS's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in *Midwestern Railway Services, Corp.—Operation Exemption—Perry County Port Authority,* Docket No. FD 36293. In that proceeding, MRS seeks an exemption under 49 CFR 1150.31 to operate approximately 20.6 miles of rail line between milepost 1.8 at Tell City, Ind., and milepost 22.4 at Lincoln City, Ind.

The earliest this transaction may be consummated is June 2, 2019, the effective date of the exemption (30 days after the verified notice was filed).

TNW will continue in control of MRS upon MRS's becoming a Class III rail carrier, while remaining in control of the following Class III rail carriers that operate rail lines in Texas: Texas and North Western Railway Company; Texas, Gonzales & Northern Railway Company; and Texas Rock Crusher Railway Company.

TNW states that: (1) The rail line to be operated by MRS does not connect with any lines of any other TNW-controlled rail carriers; (2) the proposed continuance in control of MRS is not part of a series of anticipated transactions that would connect the line to be operated by MRS with the rail lines of any other TNW-controlled carrier; and (3) the transaction does not involve a Class I rail carrier. The proposed transaction is, therefore, exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the 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. Stay petitions must be filed no later than May 24, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36294, 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 TNW's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

Board decisions and notices are available at *www.stb.gov.*

Decided: May 13, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2019–10242 Filed 5–16–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36293]

Midwestern Railway Services, Corporation—Operation Exemption—Perry County Port Authority

Midwestern Railway Services, Corporation (MRS), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 20.6 miles of rail line (the Line) between milepost 1.8 at Tell City, Ind., and milepost 22.4 at Lincoln City, Ind., pursuant to an agreement with Perry County Port Authority (PCPA).[1]

The transaction is related to a concurrently filed verified notice of exemption in *TNW Corp.—Continuance in Control Exemption—Midwestern Railway Services, Corp.,* Docket No. FD 36294, in which TNW Corporation seeks to continue in control of MRS upon MRS's becoming a Class III rail carrier.

[1] The Line is owned by PCPA. *See Perry Cty. Port Auth.—Operation Exemption—Norfolk S. Ry.,* FD 32614 (STB served Dec. 29, 1994) (milepost 0.0 to milepost 19.8); *Perry Cty. Port Auth.—Acquis. & Lease Exemption—Norfolk S. Ry.,* FD 33045 (STB served Sept. 12, 1996) (milepost 19.8 to milepost 22.4).

MRS certifies that, as a result of this transaction, its projected revenues will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million. MRS states that the proposed transaction does not involve, and the agreement between MRS and PCPA does not include, any provision or agreement that would limit future interchange with a third-party connecting carrier.

The earliest this transaction may be consummated is June 2, 2019, the effective date of the exemption (30 days after the verified notice 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 to stay must be filed no later than May 24, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36293, 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 MRS's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to MRS, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: May 13, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2019–10243 Filed 5–16–19; 8:45 am]

BILLING CODE 4915–01–P

TENNESSEE VALLEY AUTHORITY

Webinar Meeting of the Regional Energy Resource Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of webinar meeting.

SUMMARY: The TVA Regional Energy Resource Council (RERC) has scheduled a webinar meeting to discuss the public comments received, TVA's responses and the additional sensitivity results relating to TVA's 2019 Integrated Resource Plan (IRP). The RERC was established to advise TVA on its energy resource activities and the priority to be placed among competing objectives and values. Notice of this webinar meeting is given under the Federal Advisory Committee Act (FACA).

DATES: The webinar meeting will be held on Monday, June 10, 2019, from 1:30 p.m. to 3:30 p.m., EDT.

ADDRESSES: The meeting will be conducted by webinar only. An Individual requiring special accommodation for a disability should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Liz Upchurch, 865–632–8305, *efupchurch@tva.gov.*

SUPPLEMENTARY INFORMATION:

The meeting agenda includes the following:

1. Introductions and Webinar Logistics
2. Remarks of Wayne Davis, RERC Chair
3. Summary of Public Comments received and TVA's responses
4. Information on the additional sensitivity analysis conducted
5. Council Discussion

The webinar is open to the public. Please register in advance at: *https://attendee.gotowebinar.com/register/2015138030888975619.* No oral comments from the public will be accepted during the webinar session. The public may provide written comments to the RERC at any time through links on TVA's website at *www.tva.com/rerc* or by mailing written comments to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–9–D, Knoxville, Tennessee 37902.

Dated: May 10, 2019.

Joseph J. Hoagland,

Vice President, Enterprise Relations and Innovation, Tennessee Valley Authority.

[FR Doc. 2019–10306 Filed 5–16–19; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program for San Francisco International Airport, San Mateo County, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City and County of San Francisco, Airport Commission (Airport Commission), San Mateo County, California under the provisions of 49, United States Code (U.S.C.) (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as ''Part 150''). These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1990). On January 29, 2016, the FAA determined that the noise exposure map updates submitted by the Airport Commission under Part 150 were in compliance with applicable requirements. On April 1, 2019, the FAA approved the San Francisco International Airport, Airport Noise Compatibility Program (NCP) Update. The 3 (three) measures recommended in the NCP Update were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

DATES: The effective date of the FAA's approval of the San Francisco International Airport noise compatibility program is April 1, 2019.

FOR FURTHER INFORMATION CONTACT: Camille Garibaldi, Environmental Protection Specialist, Federal Aviation Administration, San Francisco Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, California 94005–7600. Telephone: 650–827–7613. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for San Francisco International Airport, effective April 1, 2019.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for

action. The FAA's approval or disapproval of Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required. Prior to an FAA decision on a request to implement the action, an environmental review of the proposed action may be required. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA San Francisco Airports District Office in the Western-Pacific Region.

The Airport Commission submitted their noise compatibility program to the FAA on July 17, 2018, including the noise exposure maps, descriptions and other documentation produced during the noise compatibility planning study conducted from March 3, 2014 through October 18, 2018. The San Francisco International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 29, 2016. Notice of this determination was published in the **Federal Register** (81 FR 7186) on February 10, 2016.

The noise exposure maps are based on operational data that is now over five years old. FAA received certification, in accordance with 14 CFR 150.21, that the noise exposure maps are representative of conditions at the airport for the existing and forecast timeframe as of the date of August 2015. Due to the aircraft operational and fleet mix changes since 2015, at the airport, FAA recommends the Airport Commission review, revise, and update, as appropriate the future noise exposure maps under 14 CFR 150.21 at the earliest opportunity.

The San Francisco International Airport study contains a proposed noise compatibility program update comprised of actions designed for phased implementation by the Airport Commission through the year 2019. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on October 26, 2018, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 3 (three) proposed measures for noise abatement, noise mitigation, and program management. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Part 150 have been satisfied. The overall program was approved by the FAA, effective April 1, 2019.

Outright approval was granted for the 3 (three) program measures. The approved measures include: Noise Abatement Measure #1—Install Permanent or Portable Aircraft Noise and Operations Monitoring Equipment; Noise Mitigation Measure #1—Acoustical Treatment Program; and Program Management Measure—Review and Revision of the Noise Compatibility Program.

These determinations are set forth in detail in a Record of Approval signed by the Director, Office of Airports, Western-Pacific Region on April 1, 2019. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Airport Commission.

The Record of Approval also will be available on-line at: *http://www.faa.gov/airports/environmental/airport_noise/part_150/states/.*

Issued in El Segundo, California on May 6, 2019.

Arlene B. Draper,

Acting Director, Office of Airports, Western-Pacific Region.

[FR Doc. 2019–09956 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0364]

Exception for Limited Recreational Operations of Unmanned Aircraft

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

ACTION: Notice implementing the exception for limited recreational operations of unmanned aircraft.

SUMMARY: This action provides notice of the statutory exception for limited recreational operations of unmanned aircraft. It also describes the agency's incremental implementation approach for the exception and how individuals can operate recreational unmanned aircraft (commonly referred to as drones) today under the exception.

FOR FURTHER INFORMATION CONTACT: For questions concerning this notice, contact Danielle Corbett, Aviation Safety Inspector, Unmanned Aircraft Systems Integration Office, 490 L'Enfant Plaza SW, Suite 7225, Washington, DC 20024, telephone (844) 359–6982, email *UAShelp@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Operators of small unmanned aircraft (also referred to as drones) for recreational purposes must follow the rules in 14 CFR part 107 for FAA certification and operating authority unless they follow the conditions of the Exception for Limited Recreational Operations of Unmanned Aircraft, discussed in this notice. The FAA refers to individuals operating under that statutory exception as ''recreational flyers.''

On October 5, 2018, the President signed the FAA Reauthorization Act of 2018 (Pub. L. 115–254). Section 349 of that Act repealed the Special Rule for Model Aircraft (section 336 of Pub. L. 112–95; Feb. 14, 2012) and replaced it

with new conditions to operate recreational small unmanned aircraft without requirements for FAA certification or operating authority. The Exception for Limited Recreational Operations of Unmanned Aircraft established by section 349 is codified at 49 U.S.C. 44809.

With the repeal of the Special Rule for Model Aircraft, the regulations at 14 CFR part 101, subpart E, which implemented the Special Rule, are no longer valid, and the FAA intends to remove that subpart in the near future.

Section 44809(a) provides eight conditions that must be satisfied to use the exception for recreational small unmanned aircraft (those weighing less than 55 pounds). Some of those conditions (specifically the aeronautical knowledge and safety test as well as recognition of community-based organizations and coordination of their safety guidance) cannot be implemented immediately. Accordingly, the FAA is incrementally implementing section 44809 to facilitate recreational unmanned aircraft operations. The next section sets forth the eight statutory conditions, explains how the agency is implementing each of them, and provides guidance to recreational flyers.

Recreational flyers must adhere to all of the statutory conditions to operate under the Exception for Limited Recreational Operation of Unmanned Aircraft. Otherwise, the recreational operations must be conducted under 14 CFR part 107.

Although 49 U.S.C. 44809(c) permits operations of some unmanned aircraft weighing more than 55 pounds under additional conditions and as approved by the FAA, the FAA intends to publish guidance concerning operations of these larger unmanned aircraft in the near future.

II. Statutory Conditions and Additional Guidance

The eight statutory conditions are as follows:

1. The aircraft is flown strictly for recreational purposes.

Your unmanned aircraft must be flown for only a recreational purpose throughout the duration of the operation. You may not combine recreational and commercial purposes in a single operation. If you are using the unmanned aircraft for a commercial or business purpose, the operation must be conducted under 14 CFR part 107 or other applicable FAA regulations.

2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.

The FAA Reauthorization Act of 2018 requires the FAA and community-based aeromodelling organizations (CBOs) to coordinate the development of safety guidelines for recreational small unmanned aircraft operations. 49 U.S.C. 44809(a)(2). CBOs are defined in section 44809(h) and must be recognized by the FAA in accordance with section 44809(i). Section 44809(i) requires the FAA to publish guidance establishing the criteria and process for recognizing CBOs. The FAA is developing the criteria and intends to collaborate with stakeholders through a public process.

Until the FAA establishes the criteria and process and begins recognizing CBOs, it cannot coordinate the development of safety guidelines. Accordingly, no recognized CBOs or coordinated safety guidelines currently exist, as contemplated by section 44809(a)(2). Additionally, the FAA acknowledges that aeromodelling organizations have developed safety guidelines that are helpful to recreational flyers. The FAA has determined that it is in the public interest to reasonably interpret this condition to allow recreational unmanned aircraft operations under the exception while the FAA implements all statutory conditions. The alternative would be to prohibit these operations or to require all operators of recreational unmanned aircraft to obtain a remote pilot certificate under 14 CFR part 107 and comply with the part 107 operating rules. Accordingly, to facilitate continued recreational unmanned aircraft operations during the implementation process, the FAA finds that operations conducted in accordance with existing safety guidelines of an aeromodelling organization satisfy this condition, provided those guidelines do not conflict with the other statutory conditions of section 44809(a).

Alternatively, during this interim period, the FAA directs recreational flyers to existing basic safety guidelines, which are based on industry best practices, on its website (*faa.gov/uas*):

- Fly only for recreational purposes
- Keep your unmanned aircraft within your visual line-of-sight or within the visual line of sight of a visual observer who is co-located and in direct communication with you
- Do not fly above 400 feet in uncontrolled (Class G) airspace
- Do not fly in controlled airspace without an FAA authorization
- Follow all FAA airspace restrictions, including special security instructions and temporary flight restrictions
- Never fly near other aircraft
- Always give way to all other aircraft
- Never fly over groups of people, public events, or stadiums full of people
- Never fly near emergency response activities
- Never fly under the influence of drugs or alcohol

You also should be able to explain to an FAA inspector or law enforcement official which safety guidelines you are following if you are flying under the exception for limited recreational unmanned aircraft operations.

The FAA will provide notice when it has issued final guidance and has started recognizing CBOs.

3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

Either the person manipulating the controls of the recreational unmanned aircraft or a visual observer, who is near the operator and able to communicate verbally, must have eyes on the aircraft at all times to ensure the unmanned aircraft is not a collision hazard to other aircraft or people on the ground. Using a visual observer generally is optional, but a visual observer is required for first-person view (FPV) operations, which allow a view from an onboard camera but limit the operator's ability to scan the surrounding airspace.

4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

When flying an unmanned aircraft, you are responsible for knowing the aircraft's altitude and its position in relation to other aircraft. You also are responsible for maintaining a safe distance from other aircraft by giving way to all other aircraft in all circumstances.

5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

Classes B, C, D, and E are collectively referred to as controlled airspace. The FAA has created different classes of airspace to reflect whether aircraft receive air traffic control services and to note levels of complexity, traffic density, equipment, and operating requirements that exist for aircraft flying through different parts of controlled airspace. Generally, these classes of controlled airspace are found near airports.

Manned aircraft operations receive air traffic control services in controlled airspace and are authorized in controlled airspace as part of these services. Small unmanned aircraft operations do not receive air traffic services, but they must be authorized in the airspace because FAA air traffic control is responsible for managing the safety and efficiency of controlled airspace. For operations under part 107, the FAA has an online system, Low Altitude Authorization and Notification Capability (LAANC), to provide this real-time, automated authorization. Part 107 operators also can request airspace authorization through FAA's DroneZone portal, but this manual process can take longer.

The FAA currently is upgrading LAANC to enable recreational flyers to obtain automated authorization to controlled airspace. The FAA is committed to quickly implementing LAANC for recreational flyers. The FAA also is exploring upgrades to DroneZone to enable access for recreational flyers.

Authorization To Operate Recreational Unmanned Aircraft at Certain Fixed Sites in Controlled Airspace

Until LAANC is available for recreational operations, the FAA is granting temporary airspace authorizations to operate at certain fixed sites (commonly referred to as flying fields) that are established by an agreement with the FAA. For fixed sites that are located in controlled airspace two or more miles from an airport, operations are authorized up to the unmanned aircraft system (UAS) facility map (UASFM) altitudes. The FAA is reviewing fixed sites located within two miles of an airport and will make individualized determinations of what airspace authorization is appropriate. Aeromodelling organizations that sponsor fixed sites, regardless of their location within controlled airspace, can obtain additional information about requesting airspace authorization from the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document.

During this interim period, you may fly in controlled airspace only at authorized fixed sites. The list of authorized fixed sites is available on the FAA's website at *www.faa.gov/uas* and will be depicted on the maps on the FAA's UAS Data Delivery System, which is available at *https://udds-faa.opendata.arcgis.com.* Agreements establishing fixed sites may contain additional operating limitations. If you fly at a fixed site in controlled airspace, you must adhere to the operating limitations of the agreement, which is available from the fixed site sponsor.

As a reminder, existing FAA rules provide that you may not operate in any designated restricted or prohibited airspace. This includes airspace restricted for national security reasons or to safeguard emergency operations, including law enforcement activities. The easiest way to determine whether any restrictions or special requirements are in effect as well as the authorized altitudes where you want to fly is to use the maps on the FAA's UAS Data Delivery System, which is available at *https://udds-faa.opendata.arcgis.com*, and to check for the latest FAA Notices to Airmen (NOTAMs). This information may also be available from third-party applications.

The FAA will provide notice when LAANC is available for use by recreational flyers.

Please do not contact FAA Air Traffic facilities for airspace authorization because these facilities will no longer accept requests to operate recreational unmanned aircraft in controlled airspace.

6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

Class G airspace is uncontrolled airspace in which the FAA does not provide air traffic services.

You may operate recreational unmanned aircraft in this airspace up to an altitude of 400 feet above ground level (AGL).

Additionally, you may not operate in any designated restricted or prohibited airspace. This includes airspace restricted for national security reasons or to safeguard emergency operations, including law enforcement activities. The easiest way to determine whether any restrictions or special requirements are in effect where you want to fly is to use the maps on the FAA's UAS Data Delivery System, which is available at *https://udds-faa.opendata.arcgis.com,* and to check for the latest FAA NOTAMs.

7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the Administrator or a designee of the Administrator or law enforcement upon request.

Section 44809(g) requires the FAA to develop, in consultation with stakeholders, an aeronautical knowledge and safety test that can be administered electronically. This test is intended to demonstrate a recreational flyer's knowledge of aeronautical safety knowledge and rules for operating unmanned aircraft.

The FAA currently is developing an aeronautical knowledge and safety test and plans to engage stakeholders on its development through a public process.

The FAA acknowledges that satisfying this statutory condition is impossible until the FAA establishes the aeronautical knowledge and safety test. For the reasons discussed earlier in this document, the FAA has determined this condition will apply only after the FAA develops and makes available the knowledge and safety test. Accordingly, during this interim period, recreational flyers who adhere to the other seven conditions under section 44809(a), may use the exception for limited recreational unmanned aircraft operations.

The FAA will provide additional guidance and notice when the aeronautical knowledge and safety test is available and the date on which adherence to this condition is required.

8. The aircraft is registered and marked and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

Registration and marking requirements for small unmanned aircraft, including recreational unmanned aircraft, can be found at 14 CFR part 48, and online registration can be completed at *faa.gov/uas/getting_started/registration/.* Each unmanned aircraft used for limited recreational operations must display the registration number on an external surface of the aircraft. Recreational flyers also must maintain proof of registration and make it available to FAA inspectors or law enforcement officials upon request.

The FAA remains committed to facilitating safe operation of recreational unmanned aircraft to the maximum extent authorized by Congress, while effectively addressing national security and public safety concerns. The FAA is devoting resources to fully implement this new framework as expeditiously as possible.

This interim implementation guidance provides information to recreational flyers on how to comply with the statutory conditions for the Exception for Limited Recreational Operations of Unmanned Aircraft, codified at 49 U.S.C. 44809. Accordingly, the FAA has determined this interim implementation guidance does not independently generate costs for recreational flyers.

The FAA has updated FAA Advisory Circular 91–57B to reflect the interim guidance provided in this notice. The FAA will continue to provide updated

direction and guidance as implementation proceeds. The FAA intends to follow up with regulatory amendments to formalize the exception for limited recreational unmanned aircraft operations.

The guidance provided in this notice is not legally binding in its own right and will not be relied upon by the Department or the FAA as a separate basis for affirmative enforcement action or other administrative penalty. Regardless of whether you rely on the guidance in this document, you are independently required to comply with all existing laws applicable to the operation of unmanned aircraft systems. Conforming your actions with the guidance in this notice does not excuse or mitigate noncompliance with other applicable legal requirements.

Nevertheless, if your operation fails to satisfy the eight statutory conditions, as described in this notice, or if you are not operating under part 107 or other FAA authority, your operation may violate other FAA regulations and subject you to enforcement action. Additionally, if you operate your recreational unmanned aircraft carelessly or recklessly, the FAA may exercise existing authority to take enforcement action against you for endangering the national airspace system.

Please continue to check *faa.gov/uas* on a regular basis for the most current direction and guidance.

Issued in Washington, DC, on May 8, 2019.

Robert C. Carty,

Deputy Executive Director, Flight Standards Service.

[FR Doc. 2019–10169 Filed 5–16–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2018–0044]

Surface Transportation Project Delivery Program; TxDOT Audit #5 Report

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Surface Transportation Project Delivery Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed, in lieu of FHWA. Prior to the Fixing America's Surface Transportation (FAST) Act of 2015, the Program required semiannual audits during each of the first 2 years of State participation to ensure compliance by each State participating in the Program. This notice finalizes the findings of the fifth and last audit report for the Texas Department of Transportation's (TxDOT) participation in accordance to these pre-FAST Act requirements.

FOR FURTHER INFORMATION CONTACT: Dr. Owen Lindauer, Office of Project Development and Environmental Review, (202) 366–2655, *owen.lindauer@dot.gov,* or Mr. David Sett, Office of the Chief Counsel, (404) 562–3676, *david.sett@dot.gov,* Federal Highway Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the specific docket page at *www.regulations.gov*.

Background

The Surface Transportation Project Delivery Program (or NEPA Assignment Program) allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. This provision has been codified at 23 U.S.C. 327. Since December 16, 2014, TxDOT has assumed FHWA's responsibilities under NEPA and the responsibilities for reviews under other Federal environmental requirements under this authority.

Prior to December 4, 2015, 23 U.S.C. 327(g) required the Secretary to conduct semiannual audits during each of the first 2 years of State participation, annual audits during years 3 and 4, and monitoring each subsequent year of State participation to ensure compliance by each State participating in the Program. The results of each audit were required to be presented in the form of an audit report and be made available for public comment. On December 4, 2015, the President signed into law the FAST Act, Public Law 114–94, 129 Stat. 1312 (2015). Section 1308 of the FAST Act amended the audit provisions by limiting the number of audits to one audit each year during the first 4 years of a State's participation. A draft version of this report was published in the **Federal Register** on December 14, 2017, at 82 FR 59206 and was available for public review and comment. The FHWA received one response during the 30-day public notice and comment period. The American Road and Transportation Builders Association voiced support of this program. This notice finalizes the findings of the fifth and final audit report for the TxDOT participation in the Surface Transportation Project Delivery Program.

Authority: Section 1313 of Public Law 112–141; Section 6005 of Public Law 109–59; Public Law 114–94; 23 U.S.C. 327; 49 CFR 1.85.

Issued on: May 9, 2019.

Nicole R. Nason,

Administrator, Federal Highway Administration.

Surface Transportation Project Delivery Program, FHWA Audit #5 of the Texas Department of Transportation, August 1, 2017, to August 1, 2018

Executive Summary

This is a report of Federal Highway Administration's (FHWA) fifth audit (Audit #5) of the Texas Department of Transportation (TxDOT) responsibilities assigned under a memorandum of understanding (MOU) effective December 16, 2014. From that date, TxDOT assumed FHWA's National Environmental Policy Act (NEPA) responsibilities assigned for the environmental review and compliance and for other environmental review laws and requirements for highway projects in Texas (NEPA Assignment Program). This report concludes with a status update for FHWA's observations from the fourth audit review (Audit #4).

The FHWA Audit #5 team (team) was formed in October 2017 and met regularly to prepare for the on-site portion of the audit. Prior to the on-site visit, the team: (1) performed reviews of project files in TxDOT's Environmental Compliance Oversight System (ECOS), (2) examined TxDOT's responses to FHWA's pre-audit information requests (PAIR), and (3) developed interview questions. The on-site portion of this audit, comprised of TxDOT interviews, was conducted on May 21-25, 2018.

The TxDOT continues to develop, revise, and implement procedures and processes required to carry out the NEPA Assignment Program. Overall, the team found continued evidence that TxDOT is committed to establishing a successful program. This report summarizes the team's assessment of the status of several aspects of the NEPA Assignment Program, including a variety of successful practices and five observations that represent opportunities for TxDOT to improve its program. The team identified two

categories of non-compliance observations that TxDOT will need to address as corrective actions.

The TxDOT has continued to make progress toward meeting the responsibilities it has assumed in accordance with the MOU. The team finds TxDOT to be in substantial compliance with the terms of the MOU, and FHWA looks forward to working with TxDOT to renew the MOU.

Background

The Surface Transportation Project Delivery Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for highway projects. This Program is codified at 23 U.S.C. 327. When a State assumes these Federal responsibilities for NEPA project decisionmaking, the State becomes solely responsible and liable for carrying out these obligations in lieu of and without further NEPA related approval by FHWA.

The State of Texas was assigned the responsibility for making project NEPA approvals and the responsibility for making other related environmental decisions for highway projects on December 16, 2014.

The FHWA responsibilities assigned to TxDOT are specified in the MOU. These responsibilities include compliance with the Endangered Species Act (ESA) Section 7 consultations with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service and Section 106 consultations with the Texas Historical Commission regarding impacts to historic properties. Some responsibilities may not be assigned and remain with FHWA. They include: responsibility for project-level conformity determinations under the Clean Air Act and responsibility for Government-to-Government consultation with federally recognized Indian Tribes.

These audits are part of FHWA's oversight responsibility for the NEPA Assignment Program. The reviews are to assess a State's compliance with the provisions of the MOU as well as all applicable Federal laws and policies. They also are used to evaluate a State's progress toward achieving its performance measures as specified in the MOU, to evaluate the success of the NEPA Assignment Program, and to inform the administration of the findings regarding the NEPA Assignment Program. In December 2015, statutory changes in Section 1308 of the Fixing America's Surface Transportation (FAST) Act, reduced the frequency of these audit reviews to one audit per year during the first 4 years of State participation in the program. This audit is the last of the required audits.

Scope and Methodology

The team for Audit #5 included NEPA subject-matter experts from FHWA's Texas, District of Columbia, Georgia, and Arizona Division Offices. In addition to the NEPA experts, the team included planners, engineers, and air quality specialists from the Texas Division Office. The diverse composition of the team, the process of developing the review report, and publishing it in the **Federal Register** help maintain an unbiased review and establish the audit as an official action taken by FHWA.

The scope and focus of this audit included reviewing the processes and procedures (*i.e.,* toolkits and handbooks) used by TxDOT to reach and document its independent project decisions. The team conducted a careful examination of highway project files in TxDOT's database called Environmental Compliance Oversight System (ECOS) and verified information on the TxDOT NEPA Assignment Program through inspection of other records and through interviews with TxDOT and other staff. The team gathered information that served as the basis for this audit from three primary sources: (1) TxDOT's response to a pre-Audit #5 information request (PAIR #5), (2) a review of a judgmental sample of project files in ECOS with approval dates after the execution of the MOU, and (3) interviews with TxDOT staff. In addition, TxDOT provided information in response to FHWA pre-audit questions and requests for documents and provided a written clarification to FHWA thereafter. That material covered the following six topics: program management, documentation and records management, quality assurance/quality control QA/QC, legal sufficiency review, performance measurement, and training.

This review also assessed the State's performance in carrying out the selected and identified procedures established for NEPA Assignment including compliance with transportation planning procedures in regard to funding eligibility requirements for placing TxDOT projects on the Statewide Transportation Improvement Program (STIP) and for Metropolitan Planning Organizations placing projects in the Metropolitan Transportation Plan (MTP)/Transportation Improvement Program (TIP) (MOU stipulation 3.3.1). Interviews with TxDOT's Finance Division (Letting Management Office) and Transportation Planning and Programming Division personnel were included in Audit #5.

The intent of the review was to check that TxDOT overall has the procedures in place to implement the responsibilities assumed through the MOU, ensure that the staff is aware of those procedures, and that staff implements the procedures to achieve compliance with NEPA and other assigned responsibilities. The review did not evaluate project-specific decisions, as such decisions are the sole responsibility of TxDOT. The team focused on whether the procedures TxDOT followed complied with all Federal statutes, regulation, policy, procedure, process, guidance, and guidelines. In some cases, procedures within TxDOT cross multiple divisions (and 25 districts) and require close coordination amongst all parties internal to TxDOT to ensure compliance under the MOU.

The fifth audit: (1) evaluated whether TxDOT's NEPA process and procedures (both Federal and State) used for project decisionmaking and other actions comply with all the responsibilities it assumed in the MOU and (2) determined the status of observations in the Audit #4 report, as well as required corrective actions (see summary at end of this report). The NEPA approvals included categorical exclusion (CE) ''d-list'' approvals, findings of no significant impacts (FONSI), re-evaluations of environmental assessments (EA), Section 4(f) decisions, approvals of a draft environmental impact statement (DEIS), re-evaluations of EISs, and records of decision.

The team defined the timeframe for highway project environmental approvals subject to this fifth audit to be between February 1, 2017, to January 31, 2018. The population of project approvals selected for review derived from 12 TxDOT-certified lists of NEPA approvals reported monthly. The project file review effort was divided into approvals made during Round 1 (Feb 1, 2017—July 31, 2017) and Round 2 (Aug 1, 2017—Jan 31, 2018). Round 1 of our ECOS Review initially consisted of 14 project FONSIs, 12 EA re-evaluations (Re-Evals), 3 EIS Re-Evals, 16 CE determinations of actions not listed in regulation (Open-ended d-list CEs), 1 final EA, and 1 c-28 CE (for a rail project) for a total of 47 projects. Round 2 of our ECOS Review consisted of 4 FONSIs, 6 EA Re-Evals, 2 EIS Re-Evals, 17 Open-ended d-list CE, and 1 final EA. The FHWA's Compliance Assessment Program (CAP) conducts a review of project files independent of

this audit. Two projects from CAP were considered in this review bringing the total to 32 projects that were initially reviewed. The total number of projects that were initially reviewed for the Audit #5 ECOS Review totaled 79 projects.

The interviews conducted by the team focused on TxDOT's leadership and staff at the Environmental Affairs Division (ENV) Headquarters in Austin and staff in six of TxDOT's Districts. The team conducted face-to-face interviews of TxDOT District staff in the San Angelo, Abilene, Wichita Falls, Fort Worth, Houston, and Lufkin Districts. The TxDOT staff from the Transportation Planning and Programming (TPP) Division and the Finance Division (FIN) were also interviewed. The team used the same ECOS project document review form to document findings related to projects. The team updated interview questions for districts and ENV, TPP, and FIN with new focus areas to gather relevant data to draw conclusions.

Overall Audit Opinion

The TxDOT continues to make progress in the implementation of its program that assumes FHWA's NEPA project-level decision authority and other environmental responsibilities. The team acknowledges TxDOT's effort to refine, and when necessary, establish additional written internal policies and procedures. The team found evidence of TxDOT's continuing efforts to train staff, clarify the roles and responsibilities of TxDOT staff, and educate staff in an effort to assure compliance with all of the assigned responsibilities.

The team identified non-compliant observations in this audit that TxDOT will need to address through corrective actions. These non-compliance observations come from a review of TxDOT procedures, project file documentation, and interview information. This report also identifies several observations and successful practices that the review team recommend be expanded upon. The team finds TxDOT to be in substantial compliance with the terms of the MOU and FHWA looks forward to working with TxDOT to renew the MOU.

Non-Compliance Observations

Non-compliance observations are instances where the team found TxDOT was out of compliance or deficient in proper implementation of a Federal regulation, statute, guidance, policy, the terms of the MOU, or TxDOT's own procedures for compliance with the NEPA process. Such observations may also include instances where TxDOT has failed to maintain technical competency, adequate personnel, and/or financial resources to carry out the assumed responsibilities. Other non-compliance observations could suggest a persistent failure to adequately consult, coordinate, or consider the concerns of other Federal, State, Tribal, or local agencies with oversight, consultation, or coordination responsibilities. The FHWA expects TxDOT to develop and implement corrective actions to address all non-compliance observations.

The MOU (Part 3.1.1) states that ''[p]ursuant to 23 U.S.C. 327(a)(2)(A), on the Effective Date, FHWA assigns, and TxDOT assumes, subject to the terms and conditions set forth in 23 U.S.C. 327 and this MOU, all of the U.S. Department of Transportation Secretary's responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* with respect to the highway projects specified under subpart 3.3. This includes statutory provisions, regulations, policies, and guidance related to the implementation of NEPA for Federal highway projects such as 23 U.S.C. 139, 40 CFR 1500-1508, DOT Order 5610.1C, and 23 CFR 771 as applicable.'' Also, the performance measure in MOU Part 10.2.1(A) for compliance with NEPA and other Federal environmental statutes and regulations commits TxDOT to maintaining documented compliance with requirements of all applicable statutes and regulations, as well as provisions in the MOU. The following non-compliance observations address categories associated with procedures specified in Federal laws, regulations, policy, or guidance and the State's environmental review procedures.

Non-Compliance Observation #1: Section 5.1.1 of the MOU requires the State to follow Federal laws, regulations, policy, and procedures to implement the responsibilities assumed. The following is a list of the procedures and the instance where the team found the TxDOT to be non-compliant.

a) Logical termini and independent utility

The TxDOT approved a project to add capacity with project limits based on county lines. Using county lines to establish project limits is inconsistent with FHWA policies and guidance on establishing a project's logical termini because its sets an arbitrary boundary. (23 CFR 771.111(f); The Development of Logical Project Termini, FHWA guidance (November 5, 1993)).

b) Plan consistency prior to NEPA approval

Section 3.3.1 of the MOU requires that prior to approving any CE determination, FONSI, final EIS, or final EIS/ROD, TxDOT ensure and document that the project is consistent with the current TIP, Regional Transportation Plan (RTP), or MTP. The team identified three projects where TxDOT made NEPA approval without meeting the MOU consistency requirement. This recurring deficiency was also identified for a project file in Audit #4.

c) Public Involvement

The FHWA's regulation at 23 CFR 771.119(h) requires a second public notification to occur 30 days prior to issuing a FONSI for an action described in 23 CFR 771.115(a). The team reviewed a project file where TxDOT approved a FONSI for an action described in 23 CFR 771.115(a) (new controlled access freeway) without evidence of a required additional public notification. The TxDOT acknowledges this requirement in their updated public involvement handbook. This recurring deficiency was also identified in Audits #3 and #4.

d) Section 4(f) *de minimis*

The TxDOT determined Section 4(f) is required for a project without completing the required Section 4(f) *de minimis* determination (MOU 3.2.1 and 23 CFR 774).

e) Certification of NEPA compliance missing at Project Construction Authorization

In two instances TxDOT requested, and received, construction authorization for a Federal-aid project without ensuring the completion of NEPA. (Section 8.7.1 of MOU). Section 8.7.1 of the MOU requires TxDOT to certify to FHWA, for Federal-aid funded projects, that TxDOT has fully carried out all responsibilities assumed under the MOU prior to the execution of any Federal-aid project agreement for physical construction. The TxDOT is aware of these instances and had implemented corrective action to address this issue by the time Audit #5 was in process.

Non-Compliance Observation #2: Section 7.2.1 of the MOU requires the State to develop State procedures to implement the responsibilities assumed. This review identified the following examples of deficient adherence to these State procedures.

a) Noise Policy

One project did not follow the TxDOT Noise guidelines (Guidelines for Analysis and Abatement of Roadway Traffic Noise, 2011) by not addressing critical noise comments made by ENV prior to project approval. The TxDOT noise guidelines identifies procedures for compliance with 23 CFR part 772.

b) Required TxDOT ENV Class of Action Pre-approval Process

A TxDOT district approved a project that was not on the ''c'' or ''d'' list and the district did not receive the required pre-approval from ENV to process the project as an open-ended d-list CE.

Successful Practices and Other Observations

This section summarizes the TxDOTs practices that the team believes are successful as well as observations about issues that TxDOT may consider as areas to improve. Further information on these successful practices and observations is contained in the following subsections that address these six topic areas: program management; documentation and records management; QA/QC; legal sufficiency; performance management; and training.

Throughout the following subsections, the team lists observations that FHWA recommends TxDOT consider in order to make improvements. The FHWA's suggested implementation methods of action include: corrective action, targeted training, revising procedures, continued self-assessment, improved QA/QC, or some other means. The team acknowledges that, by sharing the preliminary draft audit report with TxDOT, TxDOT has begun the process of implementing actions to address these observations to improve its program prior to the publication of this report.

1. Program Management

Successful Practices and Observations

The team applauds TxDOT-ENV willingness to continue to engage in quarterly partnering meetings with FHWA that started in 2016. The exchange of information between FHWA and TxDOT has enhanced FHWA's understanding of TxDOT's program and has led to cooperation that has resulted in improved TxDOT processes and procedures. This will assist in making monitoring a success as well. District staff interviewed described the positive interaction that occurs among the District Transportation and Planning Director and the Environmental Coordinator (EC) with district designers and engineers to discuss projects being developed and discuss issues and revise schedules, if needed.

Observation #1: Planning consistency at the time of NEPA approval

Section 3.3.1 of the MOU requires that prior to approving any CE determination, FONSI, Final EIS, or final EIS/ROD, TxDOT will ensure and document that the project is consistent with the current TIP, RTP, or MTP. The TxDOT's use of Develop Authority (DA) in some project files as a basis for planning consistency satisfies this requirement so long as TxDOT has provided FHWA with a DA financial plan. The team encourages TxDOT to provide FHWA with the financial documentation to support the use of DA.

Observation #2: TxDOT inter-division coordination

The team learned through interviews that staff from divisions other than ENV (Transportation Planning and Programming, Finance, Right-of-way, and Rail) who support environmental reviews and decisions were unaware of their part they played in NEPA reviews. The team encourages TxDOT ENV to discuss needs and procedures for delivering compliant NEPA approval for Federal-aid projects with these other divisions. The TxDOT is aware of this issue and has implemented procedures to address it.

2. Documentation and Records Management

Successful Practices and Observations

The team learned that ECOS continues to improve in download speed and compatibility. The team learned from interviews that ECOS continues to improve reliability, download speeds, and has fewer technical problems. The phased ECOS updates continue to roll out. The team observed continued success in that overall ECOS has provided a consistent repository for better documentation and is enhanced by staff use of a new naming convention per discipline. The EA checklist is working well in conjunction with the CORE Team concept.

The team relied on information in ECOS, TxDOT's official file of record, to evaluate project documentation and records management practices. Many TxDOT toolkit and handbook procedures mention the requirement to store official documentation in ECOS. The ECOS is also a tool for storage and management of information records, as well as for disclosure within TxDOT District Offices. The ECOS is how TxDOT identifies and procures information required to be disclosed to and requested by the public. The ECOS is being upgraded and there are more phased upgrades planned over time. The most recent work includes Expedited C-List (22), an automated process to add a Control Section Job number to an existing environmentally cleared project and automated business rules to prevent incorrect project associations in ECOS.

3. Quality Assurance/Quality Control (QA/QC)

Successful Practices and Observations

The team observed continued successful practices from previous audits in QA/QC. These successful practices include the use of NEPA Chats, increased Subject Matter Expert (SME) interactions with district staff after review of files, and the CORE Team concept (items described in previous audit reports). The TxDOT District Office environmental staff continues to do peer reviews of environmental decisions to double check the quality and accuracy of documentation.

The team learned through interviews that approved open-ended d-list projects were reviewed by Program Review Section (PR) as part of a thorough review of NEPA class of action. District staff said in interviews that they feel they can reach out to ENV staff and PR to ask questions to assist in the preparation of compliant and quality documents. The ENV SME's, we were told in interviews, are reaching out to the district staff with corrections and resolution of issues in documents, which is viewed as an improved way to relate and resolve issues found in file reviews. These communications often result in improvements in guidance/checklists as well as a noted decrease in corrective actions from PR reviews. Interviewees told us that ECOS continues to improve and is perceived to be easier to use and that updates have resulted in fewer substantive errors. The team considers that self-assessments conducted by ENV for Section 4(f) and Public Involvement resulted in positive changes and improvements in quality documents by using established checklists and certifications and the CORE Team concept.

Observation #3: TxDOT monthly lists of NEPA approvals

The review team identified a few projects listed on the monthly list incorrectly, projects missing from the list, and projects added on after submittal to FHWA. The TxDOT is aware of this problem and is taking steps to address it.

Observation #4: QC for re-evaluations

The team noted in project file reviews that re-evaluation recordkeeping was inconsistent, especially for consultation re-evaluations. Because re-evaluations are not reviewed by TxDOT's PR, the

team would urge TxDOT to subject at least a sample of re-evaluations to quality assurance review.

4. Legal Sufficiency Review

The team did not identify any observations and only presents a summary of TxDOT's approach to legal review. The General Counsel Division (GCD) currently has five lawyers on staff (lead attorney and four staff) plus outside counsel. After the lead attorney, the staff has between 6-months and two and half years of experience with GCD. Reviews are done primarily by the lead attorney and two staff with the other two assisting on an as needed basis such as the development of the administrative record and quick turnaround required for a DEIS. Additional assistance is provided by an outside law firm and a consultant attorney who has delivered environmental legal assistance to ENV for several years. The GCD assistance continues to be guided by ENVs Project Delivery Manual Sections 303.080 through 303.086. These sections provide guidance on conducting legal sufficiency review of FHWA-funded projects and those documents that are to be published in the **Federal Register** such as the Notice of Intent to prepare an EIS, Statute of Limitation (139(l)), and Notice of Availability of EIS.

During the last year GCD had a very large effort to address the MOPAC lawsuit particularly in developing the administrative record. They used their staff along with the Attorney General, consultant staff and outside staff. Another significant effort was a lawsuit on an EA/FONSI that required a very quick turnaround by the entire staff to a request for a preliminary injunction. The TxDOT was served notice of the lawsuit on March 27, 2017, and notified FHWA Chief Counsel, the U.S. Department of Justice, and the FHWA Texas Division Office on the same day as required by the MOU.

The FHWA Office of Chief Counsel provided legal sufficiency training to GCD in August 2017. The TxDOT would like to have the same training provided on a periodic basis. Recent staff training included a legal sufficiency course provided by FHWA Office of Chief Counsel, ENV self-developed courses, the TRB Summer Seminar in July 2017 in Salt Lake City, and Advanced Administrative Law Seminars held in Austin.

Based on interviews noted above and information provided in the PAIR, TxDOT's current process is legally sufficient and the team considers that the requirements for legal sufficiency under the MOU continue to be fulfilled.

5. Performance Measurement

Successful Practices and Observations:

The TxDOT continues to successfully monitor its metrics to measure performance. The TxDOT's summary of its performance measures was described in their self-assessment summary report. Completion of checklists for project QC continue to be an important measure of overall QC. The TxDOT draws a sample from the population of completed CE project files to assess their completeness and accuracy. A separate study focused on documentation from 21 EAs. The TxDOT lists the missing or deficient information from project files that serves as a basis for taking corrective actions. What results is continuous improvements based on corrective actions taken. Developments in ECOS have largely eliminated substantive error resulting from flawed Categorical Exclusion Determination Forms (CEDFs). In previous self-assessments, these CEDF errors were a common source of non-compliance.

The effectiveness of TxDOT's assumption of NEPA responsibilities on timeliness of EA decisionmaking was a focus of the TxDOT self-assessment summary report. Their thoughtful analysis states that start-to-finish comparisons of EAs prior to and after NEPA assignment suggest improvements in timeliness. Median and average EA project completion terms for pre-assignment projects suffer from long-duration project outliers that are absent from the set of assigned EA projects. Average time frames for EA completion post assignment were identified and were determined to be statistically valid. While timeliness for EA decisionmaking has been documented for the 4 years of NEPA assignment, it is also true that this trend fits neatly into a national trend of falling median time frames once long-duration outliers have been eliminated.

Observation #5: Audit #4 corrective actions

The team noted through the self-assessment summary report that as part of the measure of implemented corrective actions, because of the delay in finalizing the Audit #4 report, TxDOT had not yet identified or implemented corrective actions for that audit result. TxDOT should consider developing and implementing reasonable corrective actions whenever TxDOT becomes aware of deficiencies in their program. Since the completion of the interviews for this audit review TxDOT has implemented corrective actions (see Status of Non-compliance observations below).

6. Training Program

Successful Practices and Observations:

Looking back over the last 4 years, TxDOT's training program has shown trends of: (a) increased reliance on developing and delivering training by TxDOT staff compared with FHWA Resource Center staff or others, (b) increased organization and efficiency in available training as well as training tracking, and (c) greater clarity in basic and continuing training requirements (linked to the Texas Administrative Code).

Through an interview, the team learned that a new hands-on training workshop in biology consisting of a class room lecture and a field component to identify species (mussels, birds) has been delivered in west Texas (Junction) that engaged USFWS staff. These workshops were received well and spin off workshops have occurred in east Texas and coastal Texas.

The TxDOT informed the team through an interview that through an annual survey to TxDOT staff and resource agencies, it identified needs for new training. As a result, TxDOT has developed or is developing the following courses: (a) a basic NEPA training class that for local government staff and consultants that follows a 1.5-day general training class that targets local government staff, and (b) a NEPA class that bridges the NEPA 101 class and environmental SME classes training for non-environmental professionals.

The team also learned through an interview that there is an interest from at least one transportation and planning director for a class in risk management on environmental decisionmaking. Now that TxDOT staff have experience in the range of NEPA decisionmaking challenges, the team suggests that TxDOT's training plan consider NEPA decisionmaking training. Since the completion of the interviews for this audit review TxDOT has begun developing new training for non-environmental professionals to introduce them to environmental review topics.

Status of Non-Compliance Observations and Other Observations From Audit #4 (September 2018)

Audit #4 Non-Compliance Observation #1:

a) Project scope analyzed for impacts differed from the scope approved

The TxDOT developed an update for their Scope Development Tool over the past 16 months and recently implemented those changes. For specific issues such as this one, TxDOT

PR conducts a debrief among the project core team members and the Deputy Division Director.

b) Plan consistency prior to NEPA approval

The TxDOT continues to follow their NEPA approval procedures that include procedures to determine planning consistency. The TxDOT was asked to provide the documented financial plan for the use of ''Develop Authority'' to ensure that this approach complies with planning consistency. The TxDOT has provided a draft of this documentation.

c) Public Involvement

The FHWA's regulation at 23 CFR 771.119(h) requires a second public notification to occur 30 days prior to issuing a FONSI for an action that normally would require the preparation of an EIS. The TxDOT acknowledges this requirement and has updated their public involvement handbook.

d) Timing of NEPA approval

One project file lacked documentation for Section 106 compliance prior to TxDOT making a NEPA approval. The regulation at 23 CFR 771.133 requires compliance with all applicable requirements or reasonable assurance that all requirements will be met at the time of NEPA approval. The TxDOT PR conducted a debrief among the project core team members and the Deputy Division Director. The TxDOT is preparing changes to ECOS to address this issue.

Audit #4 Non-Compliance Observation #2:

a) Reporting of approvals made by TxDOT

The MOU section 8.7.1 requires the State to certify on a list the approvals it makes pursuant to the terms of the MOU and Federal review requirements so FHWA knows which projects completed NEPA and are eligible for Federal-aid funding. The FHWA identified a project whose approval was made pursuant to State law and therefore should not have been on the certified list of projects eligible for Federal-aid funding. The TxDOT continually works to assure that only Federal projects are present on the monthly approval list. At the time, the monthly report is prepared, only projects with NEPA approvals are present on the list. The TxDOT suggests that instances where a project's funding changes after the certified list is prepared could account for discrepancies between being federally funded and State funded at the time FHWA reviews the list.

b) Noise workshop timing

One project did not follow TxDOT noise guidelines. The TxDOT is in the process of updating their Noise Policy and Guidelines and is seeking FHWA approval for those changes. This specific issue has been highlighted and discussed at the Environmental Coordinators Conference in September 2018.

c) Endangered Species Act Section 7

Training efforts by TxDOT are ongoing. The TxDOT is aware of the concern for Section 7 compliance.

d) Indirect & Cumulative Impacts

The TxDOT hosted a FHWA Resource Center training in February 2018 regarding this topic and a more common-sense approach to performing the required analyses.

e) Federal approval request for a State funded project

The review team reviewed a project file where TxDOT followed State environmental laws and then requested Federal-aid to purchase right-of-way. The TxDOT has removed Federal funds from the Right of Way portion of this project as corrective action.

Audit #4 Observations

1. Noise procedure clarification:

The TxDOT ENV is currently in the process of proposing an update to their Noise Policy for FHWA approval in 2018 and will update their accompanying Noise Guidelines as well.

2. Section 7 of the Endangered Species Act

The TxDOT continues to train staff on its revised ESA handbook and standard operating procedures. In certain districts with sensitive habitats (*e.g.,* karst) or the possibility of a species present (*e.g.,* a salamander), ENV managers plan to review a project's information in addition to the district's and/or ENV biologists. This enhanced review process is currently limited only to two districts and could be expanded to include instances where such bias may occur.

3. Project description and logical termini:

A project contained a description of the proposed project as the project's purpose. Another proposed added capacity project's description indicated a longer terminus compared to a schematic. The TxDOT is aware of these instances and discussed these matters with the parties involved.

4. Record keeping integrity:

There were several project files where the team identified instances of missing information or information was not consistently linked or uploaded. The ECOS is being upgraded currently with phase three, and there are two more phased upgrades planned over time.

5. Effectiveness and change in QA/QC:

The TxDOT has reorganized its Self Assessment Branch and is now called Program Review Section (PR). Their approach to QA feedback to TxDOT staff relies on SMEs to communicate results of QA reviews.

6. Performance measure awareness and effectiveness:

The team noted through interviews of TxDOT District Office staff that many were unaware of TxDOT performance measures and their results to encourage continuous improvement. The TxDOT provided status on this observation in their response to for this audit that included one NEPA chat, and meetings with districts who participated in the May 2017 audit. The TxDOT District staff now have access to the 2016 and 2017 Self-Assessment reports via SharePoint.

7. Additional outreach on improvements:

This observation relates to informal training to implement TxDOT procedures changes in its handbook. As part of information collected for Audit #5, TxDOT indicated that they include handbook changes on endangered species procedures were a topic briefed at a June 2017 NEPA Chat.

8. FAST Act training:

At the time of Audit #4, TxDOT had neither developed nor delivered training to its staff concerning new requirements for the FAST Act for environmental review. Since that time TxDOT indicated a FAST Act briefing was provided by FHWA Headquarters staff at TxDOT's annual Environmental Conference in September 2017. The TxDOT also posted a guidance document entitled ''Avoiding Migratory Birds and Handling Potential Violations'' in the Natural Resource Management toolkit in January 2017 that provides high level guidance on FAST Act provisions related to swallow species on at-risk bridges. The TxDOT's natural resources management (NRM) section reviewed this guidance with districts at one of the bimonthly district/NRM coordination meetings.

Finalization of Report

The FHWA received one response to the **Federal Register** Notice during the public comment period for this draft report. The American Road and Transportation Builders Association voiced support of this program. This report is a finalized draft version of this report without substantive changes.

[FR Doc. 2019–10312 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2019–0011]

Notice of Meeting

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notification of Tribal Government-to-Government Consultation

SUMMARY: The FHWA announces that it is holding Tribal consultation meetings in Washington, District of Columbia; San Diego, California; Tulsa, Oklahoma; and Anchorage, Alaska, to gather federally recognized Tribal governments' comments on the Tribal Technical Assistance Program (TTAP) pilot before securing long-term services for the program.

DATES: The Tribal Consultation meeting dates are as follows:

1. Thursday, June 20, 2019, 1:00 p.m. to 4:00 p.m. (CST), Oklahoma City, Oklahoma.

2. Tuesday, June 25, 2019, 8:30 a.m. to 11:30 a.m. (PST), Reno, Nevada.

3. Tuesday, July 9, 2019, 1:00 p.m. to 4:00 p.m. (AKST), Anchorage, Alaska.

4. Thursday July 11, 2019, 1:00 p.m. to 4:00 p.m. (CST), Bloomington, Minnesota.

ADDRESSES:

1. The Tribal Consultation meeting in Oklahoma City, Oklahoma, will be held at the Association of Central Oklahoma Governments, 4205 N Lincoln Blvd., Oklahoma City, OK 73105.

2. The Tribal Consultation meeting in Reno, Nevada, will be held at the Hyatt Place Reno-Tahoe Airport, 1790 East Plumb Lane, Reno, NV 89502.

3. The Tribal Consultation meeting in Anchorage, Alaska, will be held at the Department of Transportation, Federal Aviation Administration, 222 W 7th Avenue, Anchorage, AK 99513.

4. The Tribal Consultation meeting in Bloomington, Minnesota, will be held at the U.S. Fish & Wildlife Service, 5600 American Boulevard West, Bloomington, MN 55437–1458.

The FHWA welcomes the opportunity to engage in consultation on the TTAP pilot. In addition to the consultation sessions listed above, you may submit written comments by July 19, 2019. All comments must be identified by agency and docket number and sent by one of the following methods:

- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Federal Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Victoria Peters, Office of Innovative Program Delivery, Federal Highway Administration, *Victoria.Peters@dot.gov*, or (720) 963–3522.

SUPPLEMENTARY INFORMATION:

Background

The TTAP's objective, as described in the legislation that authorizes the program, is to provide training and technical assistance to Tribal governments so they can develop and expand their ability to build, maintain, and operate the highway transportation networks that serve them. This includes professional capacity building in core functional areas such as pavements, bridges, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incident response, operations, and traffic safety countermeasures. It also includes providing Tribal governments the opportunity to explore and implement new technologies and practices.

To accomplish this objective, TTAP provides a comprehensive portfolio of training that is in-person and on-demand/virtual from multiple sources, on-call technical assistance, website resources, newsletters, peer resources, and access to innovative practices and technologies.

The TTAP is currently in the evaluation phase of a delivery model that: (1) Consolidates the administrative function; (2) focuses the training on the core functions needed to build, maintain, and operate a highway transportation network; (3) expands the availability and geographic equity of the types of training and technical assistance the TTAP offers; (4) diversifies the training options to augment in-person training and technical assistance with on-line/on-demand training and ready access to subject matter experts to shorten problem resolution response times; and, (5) increases the frequency and range of technology and practice innovations that are introduced to and promoted with the Tribes. The FHWA is interested in Tribal input on these improvements to TTAP.

Tribal Consultation Meetings

The purpose of these Tribal consultations is to assist FHWA with gathering information on the services provided by the 2018–2019 pilot program to guide FHWA's evaluation process before securing a long-term contract for the program. The FHWA requests that the comments focus on the subject matter, quality, quantity and availability of the training and technical assistance provided to the Tribes under the 2018–2019 pilot program and general issues as they pertain to TTAP.

The FHWA will consider all oral and written comments received during the consultation meetings as part of its decision-making process. The FHWA officials may ask questions to seek clarity or further explanation of the comments. The FHWA requests that commenters do not raise issues pertaining to other programs. Tribal representatives are encouraged to provide a written copy of their comments at the meeting or using the methods described above by July 5, 2019. The FHWA will accept written material that the presenter wishes to provide that further supplements his or her testimony. Electronic or digitized copies are encouraged.

The FHWA will adjourn a Tribal consultation meeting early if all attendees intending to speak have delivered their comments. The FHWA will summarize in a letter to Tribal governments the comments received and indicate how Tribal input was considered in the final action. The letter will constitute formal follow-up notification and will be entered as the date Tribal consultation ended.

Respondents

The Consultation Sessions will prioritize the Government-to-Government discussion and will provide elected or appointed leaders of Tribal governments or their designated representatives first opportunity to comment. Other representatives of Tribal governments, Tribal organizations, and members of the public may offer comment after official Tribal representatives.

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the Tribal consultation meeting, contact Victoria Peters at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Issued on: May 13, 2019.

Brandye L. Hendrickson,

Deputy Administrator.

[FR Doc. 2019–10309 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1999–6439, Notice No. 26]

Adjustment of Nationwide Significant Risk Threshold

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of adjustment of Nationwide Significant Risk Threshold.

SUMMARY: FRA is updating the Nationwide Significant Risk Threshold (NSRT) for purposes of FRA's regulation on the Use of Locomotive Horns at Public Highway-Rail Grade Crossings. This action is needed to ensure the public has the proper permissible risk threshold to evaluate risk resulting from prohibiting routine locomotive horn sounding at highway-rail grade crossings located in quiet zones. This is the eighth update to the NSRT and it is decreasing from 14,723 to 13,811.

DATES: The applicable date of this notice is May 17, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Woolverton, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 493–6212, *Larry.Woolverton@dot.gov;* or Ms. Kathryn Gresham, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 493–6063, *Kathryn.Gresham@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

The NSRT is an average of the risk indexes for gated public crossings nationwide where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established across the nation under 49 CFR part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. Thus, a community trying to establish and/or maintain its quiet zone, under 49 CFR part 222, can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. In the alternative, a community can establish its quiet zone in comparison to the Risk Index With Horns, which is defined in 49 CFR 222.9 as a measure of risk to the motoring public when locomotive horns are routinely sounded at every public highway-rail grade crossing within a quiet zone.

FRA has periodically updated the NSRT since 2006. FRA last updated the NSRT in 2017 to be 14,723. 82 FR 19138, Apr. 25, 2017.

New NSRT

Using collision data over a 5-year period from 2013 to 2017, FRA has recalculated the NSRT based on formulas identified in 49 CFR part 222, appendix D. In making this recalculation, FRA noted the total number of gated crossings nationwide where train horns are routinely sounded was 47,289.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents}} = \frac{289}{235} = 1.2298.$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents}} = \frac{1{,}035}{673} = 1.5379.$$

Applying the fatality rate and injury rate to the probable number of fatalities and injuries predicted to occur at each of the 47,289 identified crossings, and the predicted cost of the associated injuries and fatalities, FRA calculates the NSRT is 13,811. Accordingly, this updated NSRT value will serve as one threshold of permissible risk for quiet zones established across the nation pursuant to 49 CFR part 222.

John Karl Alexy,

Acting Associate Administrator for Railroad Safety and Chief Safety Officer.

[FR Doc. 2019–10267 Filed 5–16–19; 8:45 am]

BILLING CODE 4910–06–P

FEDERAL REGISTER

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Part II

Office of the United States Trade Representative

Request for Comments Concerning Proposed Modification of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation; Notice

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2019–0004]

Request for Comments Concerning Proposed Modification of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: In accordance with the direction of the President, the U.S. Trade Representative (Trade Representative) proposes a modification of the action being taken in this Section 301 investigation of the acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation. The proposed modification is to take further action in the form of an additional *ad valorem* duty of up to 25 percent on products of China with an annual trade value of approximately $300 billion. The products subject to this proposed modification are classified in the HTSUS subheadings set out in the Annex to this notice. The Office of the U.S. Trade Representative (USTR) is seeking public comment and will hold a public hearing regarding this proposed modification.

DATES: To be assured of consideration, you must submit comments and responses in accordance with the following schedule:

June 10, 2019: Due date for filing requests to appear and a summary of expected testimony at the public hearing.

June 17, 2019: Due date for submission of written comments.

June 17, 2019: The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, that begins at 9:30 a.m.

Seven days after the last day of the public hearing: Due date for submission of post-hearing rebuttal comments.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Assistant General Counsels Arthur Tsao or Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For questions on customs classification, contact *traderemedy@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

A. Prior Determinations in the Investigation

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FRN 47974 (September 21, 2018), and 84 FRN 20459 (May 9, 2019).

On August 18, 2017, USTR initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation (82 FR 40213). During the investigation, the Trade Representative determined that the acts, policies, and practices of China under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under Section 301(b) of the Trade Act of 1974, as amended (Trade Act).

At the direction of the President, the Trade Representative determined to take actions resulting in the imposition of an additional 25 percent duty on products of China with an annual trade value of approximately $250 billion. The additional duties were imposed in three tranches. Tranche 1 covered 818 tariff subheadings, with an approximate annual trade value of $34 billion. *See* 83 FR 28710 (June 20, 2018). Tranche 2 covered 279 tariff subheadings, with an approximate annual trade value of $16 billion. *See* 83 FR 40823 (August 16, 2018). Tranche 3 covered 5733 tariff subheadings, with an approximate annual trade value of $200 billion. *See* 83 FR 47974 (September 21, 2018); 83 FR 49153 (September 28, 2018); and 84 FR 20459 (May 9, 2019).

B. Proposed Modification of Action

The United States is engaging with China with the goal of obtaining the elimination of the acts, policies, and practices covered in the investigation. The leaders of the United States and China met on December 1, 2018, and agreed to hold negotiations on a range of issues, including those covered in this Section 301 investigation. *See https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-presidents-working-dinner-china/*. Since the meeting on December 1, the United States and China have engaged in additional rounds of negotiation on these issues, including meetings in March, April, and May of 2019. Shortly in advance of the last scheduled round, China retreated from specific commitments made in previous rounds. China also has announced further retaliatory action against U.S. commerce. The United States and China intend to continue further discussions.

Section 301(b) of the Trade Act provides that ''the Trade Representative shall take all appropriate and feasible action authorized under [section 301(c)], subject to the specific direction, if any, of the President regarding any such action . . . to obtain the elimination of [the] act, policy, or practice'' covered in the investigation. Section 307 of the Trade Act provides that ''[t]he Trade Representative may modify or terminate any action, subject to the specific direction, if any, of the President with respect to such action, that is being taken under [section 301] if . . . the burden or restriction on United States commerce . . . of the acts, policies, and practices that are the subject of such action has increased or decreased or if such action is being taken under section 301(b) of this title and is no longer appropriate.'' In light of China's failure to meaningfully address the acts, policies, and practices that are subject to this investigation and its response to the current action being taken in this investigation, and at the direction of the President, the Trade Representative proposes to modify the action being taken in this investigation.

In particular, in accordance with the direction of the President, the Trade Representative is proposing to modify the action being taken in this investigation by taking further action in the form of an additional *ad valorem* duty of up to 25 percent on products of China covered in the list of 3,805 full and partial tariff subheadings set out in the Annex to this notice. The proposed product list has an approximate annual trade value of $300 billion. The proposed product list covers essentially all products not currently covered by action in this investigation. The proposed product list excludes pharmaceuticals, certain pharmaceutical inputs, select medical goods, rare earth materials, and critical minerals. Product exclusions granted by the Trade Representative on prior tranches from this investigation will not be affected.

Any merchandise subject to the increased tariffs admitted into a U.S. foreign trade zone on or after the effective date of the increased tariffs, except those eligible for admission under ''domestic status'' as defined in 19 CFR 146.43, would have to be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and would be subject upon entry for consumption to the additional duty.

D. Request for Public Comments

USTR invites comments from interested persons with respect to the proposed action to be taken in the investigation. To be assured of consideration, you must submit written comments by June 17, 2019. Post-hearing rebuttal comments, which should be limited to rebutting or supplementing testimony at the hearing, must be submitted within seven days after the last day of the public hearing. USTR requests comments with respect to any aspect of the proposed action, including:

- The specific tariff subheadings to be subject to increased duties, including whether the subheadings listed in the Annex should be retained or removed, or whether subheadings not currently on the list should be added.
- The level of the increase, if any, in the rate of duty.
- The appropriate aggregate level of trade to be covered by additional duties.

In commenting on the inclusion or removal of particular tariff subheadings listed in the Annex, USTR requests that commenters address specifically whether imposing increased duties on a particular product would be practicable or effective to obtain the elimination of China's acts, policies, and practices, and whether imposing additional duties on a particular product would cause disproportionate economic harm to U.S. interests, including small- or medium-size businesses and consumers.

E. Hearing Participation

The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 9:30 a.m. on June 17, 2019. You must submit requests to appear at the hearing by June 10, 2019. The request to appear must include a summary of testimony, and may be accompanied by a pre-hearing submission. Remarks at the hearing may be no longer than five minutes to allow for possible questions from the Section 301 Committee.

All requests to appear at the hearing must be in English and sent electronically via *www.regulations.gov*. To submit a request to appear at the hearing via *www.regulations.gov,* enter docket number USTR–2019–0004 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 titled 'comment now!'. In the 'comment' field, include the name, address, email address, and telephone number of the person presenting the testimony. Attach a summary of the proposed testimony, and a pre-hearing submission if provided, by using the 'upload file' field. The file name should include both the name of the person who will be presenting testimony and the entity they represent. In addition, please submit a request to appear and a PDF of the summary of proposed testimony by email to *301investigation@ustr.eop.gov*. In the subject line of the email, please include the name of the person who will be presenting testimony, followed by 'request to appear.' Please also include the name, address, email address, and telephone number of the person presenting testimony in the body of the email message.

F. Procedures for Written 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–2019–0004 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 titled '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 home page. We will not accept hand-delivered submissions.

The *www.regulations.gov* website allows users to submit comments by filling in a '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 'comment' field. USTR prefers submissions in Microsoft Word (.doc) or searchable Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the '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.

For any comments submitted electronically that contain business confidential information, the file name of the business confidential version should begin with the characters 'BC'. Any page containing business confidential information must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. 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 business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character 'P'. The 'BC' and 'P' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact the USTR Tech Transfer 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 business confidential information. You can view submissions on the *www.regulations.gov* website by entering docket number USTR–2019–0004 in the search field on the home page.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

ANNEX—PROPOSED PRODUCT LIST

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
0101.21.00	Live purebred breeding horses.
0101.29.00	Live horses other than purebred breeding horses.
0101.30.00	Live asses.
0101.90.30	Mules and hinnies imported for immediate slaughter.
0101.90.40	Mules and hinnies not imported for immediate slaughter.
0102.21.00	Live purebred breeding cattle.
0102.29.20	Cows imported specially for dairy purposes.
0102.29.40	Live cattle other than purebred or those imported for dairy purposes.
0102.31.00	Live purebred breeding buffalo.
0102.39.00	Live buffalo, other than purebred breeding animals.
0102.90.00	Live bovine animals, other than cattle and buffalo.
0103.10.00	Live purebred breeding swine.
0103.91.00	Live swine, other than purebred breeding swine, weighing less than 50 kg each.
0103.92.00	Live swine, other than purebred breeding swine, weighing 50 kg or more.
0104.10.00	Live sheep.
0104.20.00	Live goats.
0105.11.00	Live chickens weighing not over 185 g each.
0105.12.00	Live turkeys weighing not more than over 185 g each.
0105.13.00	Live ducks, weighing not more than 185 g each.
0105.14.00	Live geese, weighing not more than 185 g each.
0105.15.00	Live guinea fowls, weighing not more than 185 g each.
0105.94.00	Live Poultry; Chickens.
0105.99.00	Live ducks, geese, turkeys and guineas, weighing over 185 g each.
0106.11.00	Live primates.
0106.12.01	Live whales, dolphins and porpoises; manatees and dugongs, seals, sea lions, and walruses.
0106.13.00	Live camels and other camelids (Camelidae).
0106.14.00	Live rabbits and hares.
0106.19.30	Live foxes.
0106.19.91	Live mammals, not elsewhere specified or included.
0106.20.00	Live reptiles (including snakes and turtles).
0106.31.00	Live birds of prey.
0106.32.00	Live psittaciforme birds (including parrots, parakeets, macaws and cockatoos).
0106.33.00	Ostriches; emus.
0106.39.01	Live birds, other than poultry, birds of prey or psittaciforme birds.
0106.41.00	Bees.
0106.49.00	Live insects other than bees.
0106.90.01	Live animals other than mammals, reptiles, insects, and birds.
0201.10.05	Bovine carcasses and halves, fresh or chld., descr. in gen. note 15 of the HTS.
0201.10.10	Bovine carcasses and halves, fresh or chld., descr. in add. US note 3 to Ch. 2.
0201.10.50	Bovine carcasses and halves, fresh or chld., other than descr. in gen. note 15 or add. US note 3 to Ch. 2.
0201.20.02	High-qual. beef cuts w/bone in, processed, fresh or chld., descr in gen. note 15 of the HTS.
0201.20.04	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, fresh or chld., descr in gen. note 15 of the HTS.
0201.20.06	Bovine meat cuts, w/bone in, not processed, fresh or chld., descr in gen. note 15 of the HTS.
0201.20.10	High-qual. beef cuts, w/bone in, processed, fresh or chld., descr in add. US note 3 to Ch. 2.
0201.20.30	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, fresh or chld., descr in add. US note 3 to Ch. 2.
0201.20.50	Bovine meat cuts, w/bone in, not processed, fresh or chld., descr in add. US note 3 to Ch. 2.
0201.20.80	Bovine meat cuts, w/bone in, fresh or chld., not descr in gen. note 15 or add. US note 3 to Ch. 2.
0201.30.02	High-qual. beef cuts, boneless, processed, fresh or chld., descr in gen. note 15 of the HTS.
0201.30.04	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, fresh or chld., descr in gen. note 15 of the HTS.
0201.30.06	Bovine meat cuts, boneless, not processed, fresh or chld., descr in gen. note 15 of the HTS.
0201.30.10	High-qual. beef cuts, boneless, processed, fresh or chld., descr in add. US note 3 to Ch. 2.
0201.30.30	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, fresh or chld., descr in add. US note 3 to Ch. 2.
0201.30.50	Bovine meat cuts, boneless, not processed, fresh or chld., descr in add. US note 3 to Ch. 2.
0201.30.80	Bovine meat cuts, boneless, fresh or chld., not descr in gen. note 15 or add. US note 3 to Ch. 2.
0202.10.05	Bovine carcasses and halves, frozen, descr. in gen. note 15 of the HTS.
0202.10.10	Bovine carcasses and halves, frozen, descr. in add. US note 3 to Ch. 2.
0202.10.50	Bovine carcasses and halves, frozen, other than descr. in gen. note 15 or add. US note 3 to Ch. 2.
0202.20.02	High-qual. beef cuts w/bone in, processed, frozen, descr in gen. note 15 of the HTS.
0202.20.04	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, frozen, descr in gen. note 15 of the HTS.
0202.20.06	Bovine meat cuts, w/bone in, not processed, frozen, descr in gen. note 15 of the HTS.
0202.20.10	High-qual. beef cuts, w/bone in, processed, frozen, descr in add. US note 3 to Ch. 2.
0202.20.30	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, frozen, descr in add. US note 3 to Ch. 2.
0202.20.50	Bovine meat cuts, w/bone in, not processed, frozen, descr in add. US note 3 to Ch. 2.
0202.20.80	Bovine meat cuts, w/bone in, frozen, not descr in gen. note 15 or add. US note 3 to Ch. 2.
0202.30.02	High-qual. beef cuts, boneless, processed, frozen, descr in gen. note 15 of the HTS.
0202.30.04	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, frozen, descr in gen. note 15 of the HTS.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
0202.30.06	Bovine meat cuts, boneless, not processed, frozen, descr in gen. note 15 of the HTS.
0202.30.10	High-qual. beef cuts, boneless, processed, frozen, descr in add. US note 3 to Ch. 2.
0202.30.30	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, frozen, descr in add. US note 3 to Ch. 2.
0202.30.50	Bovine meat cuts, boneless, not processed, frozen, descr in add. US note 3 to Ch. 2.
0202.30.80	Bovine meat cuts, boneless, frozen, not descr in gen. note 15 or add. US note 3 to Ch. 2.
0203.11.00	Carcasses and half-carcasses of swine, fresh or chilled.
0203.12.10	Fresh or chilled retail cuts of ham, shoulders and cuts thereof, with bone in.
0203.12.90	Fresh or chilled hams, shoulders and cuts thereof, with bone in, other than processed.
0203.19.20	Meat of swine nesoi, retail cuts, fresh or chilled.
0203.19.40	Meat of swine, nesoi, non retail cuts, fresh or chilled.
0203.21.00	Carcasses and half-carcasses of swine, frozen.
0203.22.10	Frozen retail cuts of hams, shoulders and cuts thereof, with bone in.
0203.22.90	Frozen hams, shoulders and cuts thereof, with bone in, other than retail cuts.
0204.10.00	Carcasses and half-carcasses of lamb, fresh or chilled.
0204.21.00	Carcasses and half-carcasses of sheep, other than lamb, fresh or chilled.
0204.22.20	Cuts of lamb meat with bone in, fresh or chilled.
0204.22.40	Cuts of sheep meat with bone in, nesoi, fresh or chilled.
0204.23.20	Boneless meat of lamb, fresh or chilled.
0204.23.40	Boneless meat of sheep, nesoi, fresh or chilled.
0204.30.00	Carcasses and half-carcasses of lamb, frozen.
0204.41.00	Carcasses and half-carcasses of sheep, other than lamb, frozen.
0204.42.20	Cuts of lamb meat with bone in, frozen.
0204.42.40	Cuts of sheep meat with bone in, nesoi, frozen.
0204.43.20	Boneless meat of lamb, frozen.
0204.43.40	Boneless meat of sheep, nesoi, frozen.
0204.50.00	Meat of goats, fresh, chilled or frozen.
0205.00.00	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen.
0206.21.00	Tongues of bovine animals, frozen.
0206.22.00	Livers of bovine animals, frozen.
0206.29.00	Edible offal of bovine animals, except tongues or livers, frozen.
0206.30.00	Edible offal of swine, fresh or chilled.
0206.41.00	Livers of swine, frozen.
0206.49.00	Edible offal of swine, except liver, frozen.
0206.80.00	Edible offal of sheep, goats, horses, asses, mules or hinnies, fresh or chilled.
0206.90.00	Edible offal of sheep, goats, horses, asses, mules or hinnies, frozen.
0207.11.00	Chickens, not cut in pieces, fresh or chilled.
0207.12.00	Chickens, not cut in pieces, frozen.
0207.13.00	Cuts and offal of chickens, fresh or chilled.
0207.14.00	Cuts and offal of chickens, frozen.
0207.24.00	Turkeys, not cut in pieces, fresh or chilled.
0207.25.20	Turkeys, not cut in pieces, valued less than 88 cents/kg, frozen.
0207.25.40	Turkeys, not cut in pieces, valued 88 cents or more per kg, frozen.
0207.26.00	Cuts and offal of turkeys, fresh or chilled.
0207.27.00	Cuts and offal of turkeys, frozen.
0207.41.00	Ducks, not cut in pieces, fresh or chilled.
0207.42.00	Ducks, not cut in pieces, frozen.
0207.43.00	Fatty livers of ducks, fresh or chilled.
0207.44.00	Cuts and offal, other than fatty livers, of ducks, fresh or chilled.
0207.45.00	Cuts and offal of ducks, frozen.
0207.51.00	Geese, not cut in pieces, fresh or chilled.
0207.52.00	Geese, not cut in pieces, frozen.
0207.53.00	Fatty livers of geese, fresh or chilled.
0207.54.00	Cuts and offal, other than fatty livers, of geese, fresh or chilled.
0207.55.00	Cuts and offal of geese, frozen.
0207.60.10	Guinea fowls, not cut in pieces, fresh or chilled.
0207.60.20	Guinea fowls, not cut in pieces, frozen.
0207.60.30	Fatty livers of guinea fowls, fresh or chilled.
0207.60.40	Cuts and offal, other than fatty livers, of guinea fowls, fresh or chilled.
0207.60.60	Cuts and offal of guinea fowls, frozen.
0208.30.00	Meat and edible meat offal of primates, fresh, chilled or frozen.
0208.40.01	Meat and edible meat offal of whales, dolphins, porpoises, manatees, dugongs, seals, seal lions or walruses, fresh, chilled or frozen.
0208.50.00	Meat and edible meat offal of reptiles, fresh, chilled or frozen.
0208.60.00	Meat and edible meat offal of camels and other camelids, fresh, chilled or frozen.
0208.90.30	Fresh, chilled or frozen quail, eviscerated, not in pieces.
0208.90.91	Other meat and edible meat offal not elsewhere specified or included, fresh, chilled or frozen.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
0209.10.00	Pig fat, free of lean meat, fresh, chilled, frozen, salted, in brine, dried or smoked.
0209.90.00	Poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked.
0210.11.00	Hams, shoulders and cuts thereof with bone in, salted, in brine, dried or smoked.
0210.12.00	Bellies (streaky) and cuts thereof of swine, salted, in brine, dried or smoked.
0210.20.00	Meat of bovine animals, salted, in brine, dried or smoked.
0210.91.00	Meat and edible offal of primates, salted, in brine, dried or smoked; edible flours and meals thereof.
0210.92.01	Meat, edible offal, & meals of whales, dolphins, porpoises, manatees, dugongs, seals, sea lions, walruses, salted, in brine, dried or smoked.
0210.93.00	Meat and edible offal of reptiles, salted, in brine, dried or smoked; edible flours and meals thereof.
0210.99.20	Meat and edible offal of poultry of heading 0105, in brine, dried or smoked; edible flours and meals thereof.
0210.99.91	Meat and edible offal not elsewhere specified or included, salted, in brine, dried or smoked; edible flours and meals thereof.
0303.69.00	Other fish in Bregmacerotidae et al,etc. frozen, excluding fillets, other meat portions, livers and roes.
0304.71.10	Frozen cod fillets, skinned, in blocks weighing over 4.5 kg, to be minced, ground or cut into pieces of uniform weight and dimension.
0304.71.50	Fillets, frozen, of cod, other than above.
0304.72.10	Frozen haddock fillets, skinned, in blocks weighing over 4.5 kg, to be minced, ground or cut into pieces of uniform weight and dimension.
0304.75.10	Frozen Alaska pollack fillets, skinned, in blocks weighing over 4.5 kg, to be minced, ground or cut.
0304.75.50	Fillets, frozen, of Alaska pollock, other than above.
0304.81.10	Frozen salmon fillets, skinned, in blocks weighing over 4.5 kg, to be minced, ground or cut into pieces of uniform weight.
0304.81.50	Other frozen salmon fillets.
0304.94.10	Alaska pollack chilled or frozen fillets,in bulk or in immediate containers weighing with their contents over 6.8 kg each.
0304.95.90	Bregamacerotidae other fish, other than Alaska pollack, nesoi, chilled or frozen fillets,nesoi.
0401.10.00	Milk and cream, unconcentrated, with no added sweeteners, fat content, by weight, not more than 1 percent.
0401.20.20	Milk and cream, unconcentrated, unsweetened, fat content over 1% but n/o 6%, for not over 11,356,236 liters entered in any calendar year.
0401.20.40	Milk and cream, unconcentrated, unsweetened, fat content over 1% but not over 6%, for over 11,356,236 liters entered in any calendar year.
0401.40.02	Milk and cream, not concentrated, not sweetened, fat content o/6% but not o/10%, subject to gen. note 15 of the HTS.
0401.40.05	Milk and cream, not concentrated, not sweetened, fat content o/6% but not o/10%, subject to add. US note 5 to Ch. 4.
0401.40.25	Milk and cream, not concentrated, not sweetened, fat content o/6% but not o/10%, not subject to gen. nte 15 or add. nte 5 to Ch. 4.
0401.50.02	Milk and cream, not concentrated, not sweetened, fat content o/10% but not o/45%, subject to gen. note 15 of the HTS.
0401.50.05	Milk and cream, not concentrated, not sweetened, fat content o/10% but not o/45%, subject to add. US note 5 to Ch. 4.
0401.50.25	Milk and cream, not concentrated, not sweetened, fat content o/10% but not o/45%, not subject to gen. nte 15 or add. nte 5 to Ch. 4.
0401.50.42	Milk and cream, not concentrated, not sweetened, fat content o/45%, subject to gen. note 15 of the HTS.
0401.50.50	Milk and cream, not concentrated, not sweetened, fat content o/45%, subject to add. US note 6 to Ch. 4.
0401.50.75	Milk and cream, not concentrated, not sweetened, fat content o/45%, not subject to gen. nte 15 or add. nte 6 to Ch. 4.
0402.10.05	Milk & cream, concen or sweetened, in powder, granules or other solid forms, w/fat content by weight not o/1.5%, subj to GN15.
0402.10.10	Milk & cream in powder granules/other solid forms fat content by weight not exceeding 1.5% whether/not sweetened, described in addl note 7.
0402.10.50	Milk & cream in powder granules/other solid forms fat content by weight not exceeding 1.5% whether/not sweetened, nesoi.
0402.21.02	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, subj to GN15.
0402.21.05	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, subj Ch4 US note 7.
0402.21.25	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, not subj GN15/Ch4 US note7.
0402.21.27	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/3% but not o/35%, subject to gen. note 15.
0402.21.30	Milk & cream, concen, not sweetened, in powder/granules/oth solid forms, fat cont o/3% but not o/35%, subj to Ch 4 US note 7.
0402.21.50	Milk & cream, concen, not sweetened, in powder/granules/oth solid forms, fat cont o/3% but not o/35%, not subj to GN15 or Ch 4 US.S. note 7.
0402.21.73	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, subject to gen. note 15.
0402.21.75	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, subject to add. US note 9 to Ch.4.
0402.21.90	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, not subj to GN15 or Ch4 US note 9.
0402.29.05	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to gen. note 15.
0402.29.10	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to add. US note 10 to Ch.4.
0402.29.50	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, not subj to GN15 or Ch4 US note 10.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
0402.91.03	Milk & cream, concen, in non-solid forms, not sweetened, in airtight containers, subject to gen. note 15 of the HTS.
0402.91.06	Milk & cream, concen in non-solid forms, not sweetened, not in airtight containers, subject to gen. note 15 of the HTS.
0402.91.10	Milk & cream, concen in non-solid forms, not sweetened, in airtight containers, subject to add. US note 11 to Ch.4.
0402.91.30	Milk & cream, concen in non-solid forms, not sweetened, not in airtight containers, subject to add. US note 11 to Ch. 4.
0402.91.70	Milk & cream, concen in non-solid forms, not sweetened, in airtight containers, not subject to gen. note 15 or add. US note 11 to Ch.4.
0402.91.90	Milk and cream, concentrated, in other than powder, granules or other solid forms, unsweetened, other than in airtight containers.
0402.99.03	Condensed milk, sweetened, in airtight containers, subject to gen. note 15 of the HTS.
0402.99.06	Condensed milk, sweetened, not in airtight containers, subject to gen. note 15 of the HTS.
0402.99.10	Condensed milk, sweetened, in airtight containers, subject to add. US note 11 to Ch.4.
0402.99.30	Condensed milk, sweetened, not in airtight containers, subject to add. US note 11 to Ch. 4.
0402.99.45	Condensed milk, sweetened, in airtight containers, not subject to gen. note 15 or add. US note 11 to Ch.4.
0402.99.55	Condensed milk, sweetened, not in airtight containers, not subject to gen. note 15 or add. US note 11 to Ch.4.
0402.99.68	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, subject to gen. note 15 of the HTS.
0402.99.70	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, subject to add. US note 10 to Ch. 4.
0402.99.90	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, not desc. gen. note 15 or add. US note 10 to Ch. 4.
0403.10.05	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, subject to gen. note 15 of the HTS.
0403.10.10	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, subject to add. US note 10 to Ch. 4.
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.
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa.
0403.90.02	Sour cream, fluid, n/o 45% by wt. butterfat, subject to gen. note 15 of the HTS.
0403.90.04	Sour cream, fluid, n/o 45% by wt. butterfat, subject to add. US note 5 to Ch.4.
0403.90.16	Sour cream, fluid, n/o 45% by wt. butterfat, not subject to gen nte 15 or add US note 5 to Ch.4.
0403.90.20	Fluid buttermilk.
0403.90.37	Sour cream, dried, n/o 6% by wt. butterfat, subject to gen. note 15 of the HTS.
0403.90.41	Sour cream, dried, n/o 6% by wt. butterfat, subject to add. US note 12 to Ch. 4.
0403.90.45	Sour cream, dried, n/o 6% by wt. butterfat, not subject to gen nte 15 or add. US note 12 to Ch. 4.
0403.90.47	Sour cream, dried, o/6% but n/o 35% by wt. butterfat, subject to gen. note 15 of the HTS.
0403.90.51	Sour cream, dried, o/6% but n/o 35% by wt. butterfat, subject to add. US note 8 to Ch. 4.
0403.90.55	Sour cream, dried, o/6% but n/o 35% by wt. butterfat, not subject to gen nte 15 or add. US note 8 to Ch. 4.
0403.90.57	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, subject to gen. note 15 of the HTS.
0403.90.61	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, subject to add. US note 9 to Ch. 4.
0403.90.65	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, not subject to gen nte 15 or add. US note 9 to Ch. 4.
0403.90.72	Sour cream, o/45% by wt. butterfat, subject to gen. note 15 of the HTS.
0403.90.74	Sour cream, o/45% by wt. butterfat, subject to add. US note 6 to Ch. 4.
0403.90.78	Sour cream, o/45% by wt. butterfat, not subject to gen nte 15 or add. US note 6 to Ch. 4.
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments.
0403.90.87	Curdled milk/cream/kephir & other fermentd or acid. milk/cream descr.in gen. note 15.
0403.90.90	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subject to add US note 10 to Ch.4.
0403.90.95	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subj to GN 15 or Ch4 US note 10.
0404.90.10	Milk protein concentrates.
0404.90.28	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 and subj to GN 15.
0404.90.30	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 and sub to Ch4 US note 10.
0404.90.50	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 & not subj to GN15 or Ch4 US note 10.
0404.90.70	Products consisting of natural milk constituents (except protein conc.), whether or not sweetened, not descr. in add US note 1 to Ch. 4.
0405.20.10	Butter substitute dairy spreads, over 45% butterfat weight, subject to general note 15 (outside quota).
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14.
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 US note 14.
0405.20.40	Butter substitute dairy spreads, containing 45% or less butterfat by weight.
0405.20.50	Other dairy spreads of a type provided in chapter 4 additional US note 1, subject to general note 15 (outside quota).
0405.20.60	Other dairy spreads of a type provided in ch. 4 add. US note 1, subject to quota pursuant to chapter 4 additional US note 10.
0405.20.70	Other dairy spreads of a type provided in ch. 4 add. US note 1, not subject to gen note 15 and in excess of quota in ch. 4 add. US note 10.
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1.
0405.90.05	Fats and oils derived from milk, other than butter or dairy spreads, subject to general note 15 (outside quota).
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional US note 14.
0405.90.20	Fats and oils derived from milk, other than butter or dairy spreads, not subject to gen note 15 and excess of quota in ch 4 add US note 14.
0406.10.02	Chongos, unripened or uncured cheese, including whey cheese and curd, subject to gen. note 15 of the HTS.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
0406.10.04	Chongos, unripened or uncured cheese, including whey cheese and curd, subject to add. US note 16 to Ch. 4.
0406.10.08	Chongos, unripened or uncured cheese, including whey cheese and curd, not subject to gen note 15 or add. US note 16 to Ch. 4.
0406.10.12	Fresh (unripened/uncured) cheese (ex chongos), incl whey cheese and curd, subj to gen. note 15 of the HTS, not GN15.
0406.10.14	Fresh (unripened/uncured) blue-mold cheese, cheese/subs for cheese cont or procd fr blue-mold cheese, subj to Ch4 US note 17, not GN15.
0406.10.18	Fresh (unripened/uncured) blue-mold cheese, cheese/subs for cheese cont or proc fr blue-mold cheese, not subj to Ch4 US note 17 or GN15.
0406.10.24	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, subj to Ch 4 US note 18, not GN15.
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.
0406.10.34	Fresh (unripened/uncured) american-type cheese, cheese cont or proc. fr american-type, subj to add. US note 19 to Ch.4, not GN15.
0406.10.38	Fresh (unripened/uncured) american-type cheese, cheese cont or proc. fr american-type, not subj to add. US note 19 to Ch.4, not GN15.
0406.10.44	Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, subj to Ch4 US 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 Ch4 US note 20, 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.
0406.10.64	Fresh (unrip./uncured) Swiss/emmentaler cheeses w/o eyes, gruyere-process and cheese cont/proc. from, subj to Ch4 US note 22, not 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 ...
0406.10.74	Fresh cheese, and substitutes for cheese,neosi, w/0.5% or less by wt. of butterfat, descr in add US note 23 to Ch 4, not GN15.
0406.10.78	Fresh cheese, and substitutes for cheese,neosi, w/0.5% or less by wt. of butterfat, not descr in add US note 23 to Ch 4, not GN15.
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.
0406.20.10	Roquefort cheese, grated or powdered.
0406.20.15	Stilton cheese, grated or powdered, subject to add. US note 24 to Ch. 4.
0406.20.22	Blue-veined cheese (except Roquefort or Stilton), grated or powdered, subject to gen. note 15 of the HTS.
0406.20.24	Blue-veined cheese (except Roquefort or Stilton), grated or powdered, subject to add. US note 17 to Ch.4.
0406.20.28	Blue-veined cheese (except Roquefort or Stilton), grated or powdered, not subject to gen nte 15 or add. US note 17 to Ch.4.
0406.20.29	Cheddar cheese, grated or powdered, subject to gen. note 15 of the HTS.
0406.20.31	Cheddar cheese, grated or powdered, subject to add. US note 18 to Ch. 4.
0406.20.33	Cheddar cheese, grated or powdered, not subject to gen. note 15 or add. US note 18 to Ch. 4.
0406.20.34	Colby cheese, grated or powdered, subject to gen. note 15 of the HTS.
0406.20.36	Colby cheese, grated or powdered, subject to add. US note 19 to Ch. 4.
0406.20.39	Colby cheese, grated or powdered, not describ. in gen. note 15 or add. US note 19 to Ch. 4.
0406.20.43	Edam and gouda cheese, grated or powdered, subject to gen. note 15 of the HTS.
0406.20.44	Edam and gouda cheese, grated or powdered, subject to add. US note 20 to Ch. 4.
0406.20.48	Edam and gouda cheese, grated or powdered, not subject to gen note 15 or add. US nte 20 to Ch. 4.
0406.20.49	Romano (cows milk), reggiano, provolone, provoletti, sbrinz and goya, grated or powdered, subject to gen. note 15 to HTS.
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.
0406.20.54	Reggiano, provolone, provoletti, sbrinz and goya cheeses, not made from cow's milk, grated or powdered.
0406.20.55	Cheeses made from sheep's milk, including mixtures of such cheeses, grated or powdered.
0406.20.56	Cheese (including mixtures) nesoi, grated or powdered, subject to gen. note 15 of the HTS.
0406.20.57	Cheese containing or processed from bryndza, gjetost, gammelost, nokkelost or roquefort cheeses, grated or powdered.
0406.20.61	Cheese containing or processed from blue-veined cheese (except roquefort), grated/powdered, subject to add US note 17 to Ch.4.
0406.20.63	Cheese containing or processed from blue-veined cheese (except roquefort), grated/powdered, not subject to add US note 17 to Ch.4.
0406.20.65	Cheese containing or processed from cheddar cheese, grated or powdered, subject to add US note 18 to Ch. 4.
0406.20.67	Cheese containing or processed from cheddar cheese, grated or powdered, not subject to add US note 18 to Ch. 4.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
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.
0406.20.71	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, not subject to add US note 19 to Ch. 4.
0406.20.73	Cheese containing or processed from edam or gouda cheeses, grated or powdered, subject to add US note 20 to Ch.4.
0406.20.75	Cheese containing or processed from edam or gouda cheeses, grated or powdered, not subject to add US note 20 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.
0406.20.81	Cheese containing or processed from swiss, emmentaler or gruyere-process cheeses, grated or powdered, subject to add US nte 22 to Ch.4.
0406.20.83	Cheese containing or processed from swiss, emmentaler or gruyere-process cheeses, grated or powdered, not subject to add US nte 22 to Ch. 4.
0406.20.85	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, subject to add US note 23 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.
0406.20.89	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk, grated or powdered, subject to add US note 16 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.
0406.20.95	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, not containing cow's milk, grated or powdered.
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to add US note 24 to Ch. 4.
0406.30.12	Blue-veined cheese (except roquefort), processed, not grated or powdered, subject to gen. note 15 of the HTS.
0406.30.14	Blue-veined cheese (except roquefort), processed, not grated or powdered, subject to add. US note 17 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.
0406.30.22	Cheddar cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS.
0406.30.24	Cheddar cheese, processed, not grated or powdered, subject to add US note 18 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.
0406.30.32	Colby cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS.
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.
0406.30.42	Edam and gouda cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS.
0406.30.44	Edam and gouda cheese, processed, not grated or powdered, subject to add. US note 20 to Ch. 4.
0406.30.48	Edam and gouda cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 20 to Ch. 4.
0406.30.49	Gruyere-process cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS.
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to add. US note 22 to Ch. 4.
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 22 to Ch. 4.
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered.
0406.30.56	Cheese (including mixtures) nesoi, processed, not grated or powdered, subject to gen. note 15 of the HTS.
0406.30.57	Processed cheese containing or processed from bryndza, gjetost, gammelost, nokkelost or roquefort, not grated or powdered, not GN15.
0406.30.61	Processed cheese cont/procd fr blue-veined cheese (ex roquefort), not grated/powdered, subject to add US note 17 to Ch. 4, not GN15.
0406.30.63	Processed cheese cont/procd fr blue-veined cheese (ex roquefort), not grated/powdered, not subject to add US note 17 to Ch. 4, not GN15.
0406.30.65	Processed cheese cont/procd fr cheddar cheese, not grated/powdered, subject to add US note 18, not GN15.
0406.30.67	Processed cheese cont/procd fr cheddar cheese, not grated/powdered, not subject to add US note 18, not GN15.
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.
0406.30.71	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, not subject to add US note 19 to Ch. 4, not GN15.
0406.30.73	Processed cheese cont/procd fr edam or gouda, not grated/powdered, subject to add US note 20 to Ch. 4, not GN15.
0406.30.75	Processed cheese cont/procd from edam or gouda, not grated/powdered, not subject to add US note 20 to Ch. 4, not GN15.
0406.30.77	Processed cheese cont/procd from italian-type, not grated/powdered, subject to add US note 21 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.
0406.30.81	Processed cheese cont/procd from swiss, emmentaler or gruyere-process, n/grated/powdered, subject to add US note 22 to Ch. 4, not GN15.
0406.30.83	Processed cheese cont/procd from swiss/emmentaler/gruyere-process, n/grated/powdered, not subject to add US note 22 to Ch. 4, not GN15.
0406.30.85	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch4 US note 23, not GN15.
0406.30.87	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, not subj to Ch 4 US note 23 or not GN15.
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.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
0406.30.91	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, not subject to add US note 16 to Ch. 4, not GN15.
0406.30.95	Processed cheese (incl. mixtures), nesoi, w/o cows milk, not grated or powdered, not GN15.
0406.40.20	Roquefort cheese in original loaves, not grated or powdered, not processed.
0406.40.40	Roquefort cheese, other than in original loaves, not grated or powdered, not processed.
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.
0406.40.51	Blue-veined cheese, nesoi, in original loaves, subject to gen. note 15 of the HTS.
0406.40.52	Blue-veined cheese, nesoi, not in original loaves, subject to gen. note 15 of the HTS.
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. US note 17 to Ch. 4.
0406.40.58	Blue-veined cheese, nesoi, not in original loaves, subject to add. US note 17 to Ch. 4.
0406.40.70	Blue-veined cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 17 to Ch. 4.
0406.90.05	Bryndza cheese, not grated or powdered, not processed.
0406.90.06	Cheddar cheese, neosi, subject to gen. note 15 of the & entered pursuant to its provisions.
0406.90.08	Cheddar cheese, neosi, subject to add. US note 18 to Ch. 4.
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 18 to Ch. 4.
0406.90.14	Edam and gouda cheese, nesoi, subject to gen. note 15 of the HTS.
0406.90.16	Edam and gouda cheese, nesoi, subject to add. US note 20 to Ch. 4.
0406.90.18	Edam and gouda cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 20 to Ch. 4.
0406.90.20	Gjetost cheese from goat's milk, whey or whey obtained from a mixture of goat's & n/o 20% cow's milk, not grated, powdered or processed.
0406.90.25	Gjetost cheese, made from goats' milk, whey or whey obtained from a mixture of goats' & n/o 20% cows milk, not grated, powdered or processed.
0406.90.28	Goya cheese, nesoi, subject to gen. note 15 of the HTS.
0406.90.31	Goya cheese from cow's milk, not in original loaves, nesoi,subject to add. US note 21 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.
0406.90.33	Goya cheese not from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4.
0406.90.34	Sbrinz cheese, nesoi, subject to gen. note 15 of the HTS.
0406.90.36	Sbrinz cheese from cow's milk, nesoi, subject to add. US note 21 to Ch. 4.
0406.90.37	Sbrinz cheese from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4.
0406.90.38	Sbrinz cheese not from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4.
0406.90.39	Romano from cows milk, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, subject to gen. note 15 of the HTS.
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. US 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 Ch4 US note 21.
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15.
0406.90.44	Swiss or Emmentaler cheese with eye formation, nesoi, subject to gen. note 15 of the HTS.
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. US note 25 to Ch. 4.
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to add. US note 25 to Ch. 4.
0406.90.49	Gammelost and nokkelost cheese, nesoi.
0406.90.51	Colby cheese, nesoi, subject to gen. note 15 of the HTS and entered pursuant to its provisions.
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.
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating.
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating.
0406.90.59	Cheeses, substitute for cheese (including mixtures of cheeses), nesoi, made from sheep's milk.
0406.90.61	Cheeses & substitutes for cheese (incl.mixtures) w/romano/reggiano/parmesan/provolone/etc from cows milk, subj. to gen. note 15.
0406.90.63	Cheeses & substitutes for cheese (incl.mixtures) not cont.romano/reggiano/parmesan/provolone/etc from cows milk, subj. to gen. note 15.
0406.90.66	Cheeses & subst. for cheese(incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc, f/cow milk, subj. Ch4 US note 21, not GN15.
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.
0406.90.76	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, subj. to add. US note 18 to Ch.4, not GN15.
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, not subj. to add. US note 18 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.
0406.90.84	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from Am. cheese except cheddar, not subj. to add. US note 19 to Ch.4, not GN15.
0406.90.86	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from edam or gouda cheese, subj. to add. US note 20 to Ch.4, not GN15.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
0406.90.88	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from edam or gouda cheese, not subj. to add. US note 20 to Ch.4, not GN15.
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, subj. to add. US note 22 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.
0406.90.93	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, subject to add. US note 23 to Ch. 4, 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.
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, subject to Ch 4 US note 16 (quota).
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, not subject to Ch4 US note 16, 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.
0407.11.00	Birds' eggs, in shell, fertilized eggs for incubation, Gallus domesticus.
0408.91.00	Birds' eggs, not in shell, dried, whether or not containing added sweeteners.
0501.00.00	Human hair, unworked, whether or not washed and scoured; waste of human hair.
0502.10.00	Pigs', hogs' or boars' bristles and hair and waste thereof.
0502.90.00	Badger hair and other brushmaking hair, nesoi, and waste thereof.
0504.00.00	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof.
0505.10.00	Feathers of a kind used for stuffing, and down.
0507.10.00	Ivory, ivory powder and waste.
0510.00.20	Ambergris, castoreum, civet, and musk used in the preparation of pharmaceutical products.
0601.10.15	Tulip bulbs, dormant.
0601.10.30	Hyacinth bulbs, dormant.
0601.10.45	Lily bulbs, dormant.
0601.10.60	Narcissus bulbs, dormant.
0601.10.75	Crocus corms, dormant.
0601.10.85	Lily of the valley pips, dormant.
0601.10.90	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, nesoi, dormant.
0601.20.10	Hyacinth bulbs, without soil attached, in growth or in flower.
0601.20.90	Bulbs nesoi, tubers, tuberous roots, corms, crowns and rhizomes, in growth or in flower; chicory plants and roots.
0602.10.00	Unrooted cuttings and slips of live plants.
0602.20.00	Trees, shrubs, and bushes, grafted or not of kinds which bear edible fruits or nuts.
0602.30.00	Rhododendron and azalea plants, grafted or not.
0602.40.00	Rose plants, grafted or not.
0602.90.20	Live orchid plants.
0602.90.30	Live herbaceous perennials, other than orchid plants, with soil attached to roots.
0602.90.40	Live herbaceous perennials, other than orchid plants, without soil attached to roots.
0602.90.50	Live mushroom spawn.
0602.90.60	Other live plants nesoi, with soil attached to roots.
0602.90.90	Other live plants nesoi, other than those with soil attached to roots.
0603.11.00	Sweetheart, Spray and other Roses, fresh cut.
0603.12.30	Miniature (spray) carnations, fresh cut.
0603.12.70	Other Carnations, fresh cut.
0603.13.00	Orchids, fresh cut.
0603.14.00	Chrysanthemums, fresh cut.
0603.15.00	Fresh cut Lilies (Lillium spp.).
0603.19.01	Fresh cut, Anthuriums, Alstroemeria, Gypsophilia, Lilies, Snapdragons and flowers, nesoi.
0603.90.00	Cut flowers and flower buds, suitable for bouquets or ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared.
0604.20.00	Fresh foliage, branches, and other parts of plants for ornamental purposes.
0604.90.10	Mosses and lichens.
0604.90.30	Dried or bleached foliage, branches, and other parts of plants for ornamental purposes, except mosses and lichens.
0604.90.60	Other than fresh, bleached or dried: Foliage, branches, parts of plants and grasses, suitable for ornamental purposes,except mosses & lichen.
0701.10.00	Seed potatoes, fresh or chilled.
0701.90.10	Yellow (Solano) potatoes, excluding seed.
0701.90.50	Fresh potatoes, other than yellow (Solano) potatoes or seed potatoes.
0702.00.20	Tomatoes, fresh or chilled, entered during Mar. 1 to July 14, or the period Sept. 1 to Nov. 14 in any year.
0702.00.40	Tomatoes, fresh or chilled, entered during July 15 to Aug.31 in any year.
0702.00.60	Tomatoes, fresh or chilled, entered from Nov. 15 thru the last day of Feb. of the following year.
0704.20.00	Brussels sprouts, fresh or chilled.
0705.11.20	Head lettuce (cabbage lettuce), fresh or chilled, if entered June 1 to October 31, inclusive, in any year.
0705.11.40	Head lettuce (cabbage lettuce), fresh or chilled, if entered Nov. 1 through May 30, inclusive, in any year.
0705.19.20	Lettuce, other than head lettuce, fresh or chilled, if entered June 1 to October 31, inclusive, in any year.
0705.19.40	Lettuce, other than head lettuce, fresh or chilled, if entered Nov. 1 through May 30, inclusive, in any year.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
0705.21.00	Witloof chicory, fresh or chilled.
0705.29.00	Chicory, other than witloof chicory, fresh or chilled.
0707.00.20	Cucumbers, including gherkins, fresh or chilled, if entered December 1 in any year to the last day of the following February, inclusive.
0707.00.40	Cucumbers, including gherkins, fresh or chilled, if entered March 1 to April 30, inclusive, in any year.
0707.00.60	Cucumbers, including gherkins, fresh or chilled, if entered July 1 to August 31, inclusive, in any year.
0708.20.10	Lima beans, fresh or chilled, shelled or unshelled, if entered November 1 through the following May 31, inclusive.
0708.90.05	Chickpeas (garbanzos), fresh or chilled, shelled or unshelled.
0708.90.25	Pigeon peas, fresh or chilled, shelled or unshelled, if entered from July 1 to September 30, inclusive, in any year.
0708.90.30	Pigeon peas, fresh or chilled, shelled or unshelled, if entered Oct. 1 through the following June 30, inclusive.
0709.20.10	Asparagus, fresh or chilled, not reduced in size, if entered September 15 to November 15, inclusive, and transported to the U.S. by air.
0709.20.90	Asparagus, nesoi, fresh or chilled.
0709.30.20	Eggplants (aubergines), fresh or chilled, if entered April 1 to November 30, inclusive, in any year.
0709.30.40	Eggplants (aubergines), fresh or chilled, if entered December 1 through the following March 31, inclusive.
0709.70.00	Spinach, New Zealand spinach and orache spinach (garden spinach), fresh or chilled.
0709.91.00	Globe artichokes, fresh or chilled.
0709.92.00	Olives, fresh or chilled.
0709.93.10	Pumpkins, fresh or chilled.
0709.93.30	Gourds (Cucurbita spp.), fresh or chilled.
0710.29.15	Lentils, uncooked or cooked by steaming or boiling in water, frozen.
0710.80.60	Fiddlehead greens, uncooked or cooked by steaming or boiling in water, frozen, not reduced in size.
0710.80.85	Brussels sprouts, uncooked or cooked by steaming or boiling in water, frozen, reduced in size.
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, subject to add. US 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. US 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.
0711.59.90	Truffles, provisionally preserved but unsuitable in that state for immediate consumption.
0711.90.30	Capers, provisionally preserved but unsuitable in that state for immediate consumption.
0713.34.10	Dried seeds of Bambara beans, of a kind used for sowing.
0713.60.10	Dried pigeon pea seeds, of a kind used for sowing.
0714.10.10	Cassava (manioc), frozen, whether or not sliced or in the form of pellets.
0714.30.50	Dried yams (Dioscorea spp.), in the form of pellets.
0801.12.00	Coconuts, fresh, in the inner shell (endocarp).
0801.21.00	Brazil nuts, fresh or dried, in shell.
0801.22.00	Brazil nuts, fresh or dried, shelled.
0802.21.00	Hazelnuts or filberts, fresh or dried, in shell.
0802.61.00	Macadamia nuts, in shell.
0802.70.10	Kola nuts (Cola spp.), fresh or dried, in shell.
0802.70.20	Kola nuts (Cola spp.), fresh or dried, shelled.
0802.80.10	Areca nuts, fresh or dried, in shell.
0802.90.20	Pignolias, fresh or dried, in shell.
0802.90.25	Pignolias, fresh or dried, shelled.
0802.90.82	Nuts, nesoi, fresh or dried, in shell.
0802.90.98	Nuts nesoi, fresh or dried, shelled.
0803.10.10	Plantains, fresh.
0804.40.00	Avocados, fresh or dried.
0805.40.40	Grapefruit, fresh or dried, entered during the period August 1 through September 30, inclusive.
0805.40.60	Grapefruit, fresh or dried, if entered during the month of October.
0805.40.80	Grapefruit, fresh or dried, if entered during the period November 1 through the following July 31, inclusive.
0805.50.20	Lemons, fresh or dried.
0805.50.30	Tahitian limes, 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.
0806.10.20	Grapes, fresh, if entered during the period February 15 through March 31, inclusive.
0806.10.40	Grapes, fresh, if entered during the period April 1 through June 30, inclusive.
0806.10.60	Grapes, fresh, if entered during the period July 1 through the following February 14, inclusive.
0807.11.30	Watermelons, fresh, if entered during the period from December 1, in any year, to the following March 31, inclusive.
0807.11.40	Watermelons, fresh, if entered during the period April 1 through November 30, inclusive.
0807.19.10	Cantaloupes, fresh, if entered during the period from August 1 through September 15, inclusive.
0807.19.20	Cantaloupes, fresh, if entered during the periods from January 1 through July 31 or September 16 to December 31, inclusive.
0807.19.50	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive.
0807.19.60	Ogen and Galia melons, fresh, if entered during the period from June 1 through November 30, inclusive.
0807.19.70	Other melons nesoi, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive.
0807.19.80	Other melons nesoi, fresh, if entered during the period from June 1 through November 30, inclusive.

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HTS subheading	Product description
0807.20.00	Papayas (papaws), fresh.
0809.10.00	Apricots, fresh.
0809.21.00	Sour cherries (Prunus cerasus), fresh.
0809.40.20	Plums, prunes and sloes, fresh, if entered during the period from January 1 through May 31, inclusive.
0809.40.40	Plums, prunes and sloes, fresh, if entered during the period from June 1 through December 31, inclusive.
0810.20.90	Raspberries and loganberries, fresh, if entered July 1–August 31, inclusive; blackberries & mulberries, fresh, entered any time.
0810.50.00	Kiwi fruit, fresh.
0810.60.00	Durians, fresh.
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption.
0901.11.00	Coffee, not roasted, not decaffeinated.
0901.12.00	Coffee, not roasted, decaffeinated.
0901.21.00	Coffee, roasted, not decaffeinated.
0901.22.00	Coffee, roasted, decaffeinated.
0901.90.10	Coffee husks and skins.
0901.90.20	Coffee substitutes containing coffee.
0902.10.10	Green tea in packages not over 3 kg, flavored.
0902.10.90	Green tea in packages not over 3 kg, not flavored.
0902.20.10	Green tea in packages over 3 kg, flavored.
0902.20.90	Green tea in packages over 3 kg, not flavored.
0902.30.00	Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg.
0902.40.00	Black tea (fermented) and partly fermented tea, other than in immediate packings of a content not exceeding 3 kg.
0903.00.00	Mate.
0904.11.00	Pepper of the genus Piper, neither crushed nor ground.
0904.12.00	Pepper of the genus Piper, crushed or ground.
0904.21.20	Paprika, dried neither crushed nor ground.
0904.21.40	Anaheim and ancho pepper, dried, neither crushed nor ground.
0904.21.60	Fruits of the genus Capsicum, other than paprika or anaheim and ancho pepper, dried, not crushed or ground.
0904.21.80	Fruits of the genus Pimenta (including allspice), dried.
0904.22.20	Paprika, crushed or ground.
0904.22.40	Anaheim and ancho pepper, crushed or ground.
0904.22.73	Mixtures of mashed or macerated hot red peppers and salt, nesoi.
0904.22.76	Fruits of the genus capsicum, crushed or ground, nesoi.
0904.22.80	Fruits of the genus Pimenta (including allspice), crushed or ground.
0905.10.00	Vanilla beans, neither crushed nor ground.
0905.20.00	Vanilla beans, crushed or ground.
0906.11.00	Cinnamon (Cinnamomum zeylanicum Blume) neither crushed nor ground.
0906.19.00	Cinnamon and cinnamon-tree flowers,nesoi, neither crushed nor ground.
0906.20.00	Cinnamon and cinnamon-tree flowers, crushed or ground.
0907.10.00	Cloves (whole fruit, cloves and stems), neither crushed nor ground.
0907.20.00	Cloves (whole fruit, cloves and stems), crushed or ground.
0908.11.00	Nutmeg, neither crushed nor ground.
0908.12.00	Nutmeg, crushed or ground.
0908.21.00	Mace, neither crushed nor ground.
0908.22.20	Mace, crushed or ground, Bombay or wild.
0908.22.40	Mace, crushed or ground, other than Bombay or wild mace.
0908.31.00	Cardamoms, neither crushed nor ground.
0908.32.00	Cardamoms, crushed or ground.
0909.21.00	Seeds of coriander, neither crushed nor ground.
0909.22.00	Seeds of coriander, crushed or ground.
0909.31.00	Seeds of cumin, neither crushed nor ground.
0909.32.00	Seeds of cumin, crushed or ground.
0909.61.00	Seeds of anise,badian, caraway or fennel; juniper berries; neither crushed nor ground.
0909.62.00	Seeds of anise, badian, caraway or fennel; juniper berries; crushed or ground.
0910.11.00	Ginger, neither crushed nor ground.
0910.12.00	Ginger, crushed or ground.
0910.20.00	Saffron.
0910.30.00	Turmeric (curcuma).
0910.91.00	Mixtures of spices.
0910.99.05	Thyme; bay leaves, crude or not manufactured.
0910.99.06	Thyme, other than crude or not manufactured.
0910.99.07	Bay leaves, other than crude or not manufactured.
0910.99.10	Curry.
0910.99.20	Origanum, crude or not manufactured.
0910.99.40	Origanum, other than crude or not manufactured.
0910.99.50	Dill.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
0910.99.60	Spices, nesoi.
1001.19.00	Durum wheat, other than seed.
1001.91.00	Seed of wheat and meslin, other than durum wheat.
1002.10.00	Rye, seed.
1002.90.00	Rye, other than seed.
1005.10.00	Seed corn (maize).
1006.10.00	Rice in the husk (paddy or rough).
1008.40.00	Fonio (Digitaria spp.).
1008.60.00	Triticale.
1202.30.05	Peanuts (ground-nuts), seed, not roasted or cooked, shelled, subject to gen note 15 of the HTS.
1202.30.80	Peanuts (ground-nuts), seed, not roasted or cooked, shelled, not subject to gen note 15 or add. US note 2 to Ch.12.
1202.41.05	Peanuts (ground-nuts), not seed, not roasted or cooked, in shell, subject to gen note 15 of the HTS.
1202.41.40	Peanuts (ground-nuts), not seed, not roasted or cooked, in shell, subject to add. US note 2 to Ch.12.
1202.41.80	Peanuts (ground-nuts), not seed, not roasted or cooked, in shell, not subject to gen note 15 or add. US note 2 to Ch.12.
1202.42.05	Peanuts (ground-nuts), not seed, not roasted or cooked, shelled, subject to gen note 15 of the HTS.
1202.42.40	Peanuts (ground-nuts), not seed, not roasted or cooked, shelled, subject to add. US note 2 to Ch.12.
1202.42.80	Peanuts (ground-nuts), not seed, not roasted or cooked, shelled, not subject to gen note 15 or add. US note 2 to Ch.12.
1203.00.00	Copra.
1207.10.00	Palm nuts and kernels.
1207.21.00	Cotton seeds, whether or not broken, seed for sowing.
1207.29.00	Cotton seeds, whether or not broken, other than seed for sowing.
1207.30.00	Castor oil seeds.
1209.22.20	White and ladino clover seeds of a kind used for sowing.
1209.22.40	Clover seeds, other than white and ladino, of a kind used for sowing.
1209.23.00	Fescue seeds of a kind used for sowing.
1209.24.00	Kentucky blue grass seeds of a kind used for sowing.
1210.20.00	Hop cones, fresh or dried, ground, powdered or in the form of pellets; lupulin.
1211.90.60	Tonka beans, of a kind used in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes.
1212.91.00	Sugar beet, fresh, chilled, frozen or dried, whether or not ground.
1212.93.00	Sugar cane, fresh, chilled, frozen or dried, whether or not ground.
1212.94.00	Chicory roots.
1301.20.00	Gum Arabic.
1301.90.40	Turpentine gum (oleoresinous exudate from living trees).
1301.90.91	Lac,natural gums, resins, gum-resins and oleoresins (e.g., balsams), nesoi.
1302.11.00	Saps and extracts of opium.
1302.12.00	Saps and extracts of licorice.
1302.13.00	Saps and extracts of hops.
1302.14.01	Vegetable saps and extracts of ephedra.
1302.19.21	Poppy straw extract.
1302.19.41	Ginseng and other substances having prophylatic or therapeutic properties.
1302.19.91	Vegetable saps and extracts nesoi.
1302.20.00	Pectic substances, pectinates and pectates.
1302.31.00	Agar-agar.
1302.32.00	Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds.
1302.39.00	Mucilages and thickeners derived from vegetable products other than locust beans, locust bean seeds or guar seeds, and excluding agar-agar.
1401.20.20	Rattans, in the rough or cut transversely into sections, of a kind used primarily for plaiting.
1401.20.40	Rattans, other than those in the rough or cut transversely into sections, of a kind used primarily for plaiting.
1404.90.20	Broomcorn (Sorghum vulgare var. technicum) of a kind used primarily in brooms or brushes.
1501.10.00	Lard, other than heading 0209 or 1503.
1501.20.00	Other pig fat other than heading 0209 or 1503.
1501.90.00	Poultry fat, other than that of head 0209 or 1503.
1502.10.00	Fats of bovine animals, sheep or goats, other than those of heading 1503: tallow.
1502.90.00	Fats of bovine animals, sheep or goats, other than those of heading 1503, other than tallow.
1503.00.00	Lard stearin, lard oil, oleostearin, oleo-oil, and tallow oil, not emulsified or mixed or otherwise prepared.
1504.30.00	Fats and oils and their fractions, of marine mammals.
1507.10.00	Crude soybean oil, whether or not degummed.
1507.90.20	Pharmaceutical grade soybean oil meeting FDA requirements for use in intravenous fat emulsions, valued over $5 per kg.
1507.90.40	Soybean oil, other than crude, and its fractions, whether or not refined, but not chemically modified, nesoi.
1508.10.00	Crude peanut (ground-nut) oil.
1508.90.00	Peanut (ground-nut) oil, other than crude, and its fractions, whether or not refined, but not chemically modified.
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg.
1509.10.40	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container 18 kg or over.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg.
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.
1510.00.20	Olive oil, including blends, and their fractions, not chemically modified, rendered unfit for use as food.
1510.00.40	Edible oil including blends, and their fractions, nesoi, not chemically modified, weighing under 18 kg.
1510.00.60	Edible oil including blends, and their fractions, nesoi, not chemically modified, weighing 18 kg or over.
1511.10.00	Palm oil, crude, and its fractions, whether or not refined, not chemically modified.
1511.90.00	Palm oil, other than crude, and its fractions, whether or not refined, but not chemically modified.
1512.11.00	Sunflower-seed or safflower oil, crude, and their fractions, whether or not refined, not chemically modified.
1512.19.00	Sunflower seed or safflower oil, other than crude, and their fractions, whether or not refined, but not chemically modified.
1512.21.00	Cottonseed oil, crude, and its fractions, whether or not gossypol has been removed.
1512.29.00	Cottonseed oil, other than crude, and its fractions, whether or not refined, but not chemically modified.
1513.11.00	Coconut (copra) oil, crude, and its fractions, not chemically modified.
1513.19.00	Coconut (copra) oil, other than crude, and its fractions, whether or not refined, but not chemically modified.
1513.21.00	Palm kernel or babassu oil, crude, and their fractions, not chemically modified.
1513.29.00	Palm kernel oil or babassu oil, other than crude, and their fractions, whether or not refined, but not chemically modified.
1514.11.00	Low erucic acid rapeseed or colza oil, crude, but not chemically modified.
1514.19.00	Low erucic acid rapeseed or colza oil, other than crude, and their fractions, whether or not refined, but not chemically modified.
1514.91.10	Rapeseed/colza (not low erucic) or mustard oil, for use in manufacture of rubber substitutes or lubricating oil, crude, not chem modified.
1514.91.90	Rapeseed or colza (not low erucic acid) or mustard oil, crude, not chemically modified, nesoi.
1514.99.10	Rapeseed/colza (not low erucic) or mustard oil, for use manufacture rubber substitute or lube oil, not crude, & its fractions,not chem modified.
1514.99.50	Denatured rapeseed or colza (not low erucic acid) or mustard oil, other than crude, and their fractions, whether or not refined, nesoi.
1514.99.90	Rapeseed/colza (not low erucic) or mustard oil, other than crude, & their fractions, whether or not refined, not chemically modified, nesoi.
1515.11.00	Linseed oil, crude, and its fractions, not chemically modified.
1515.19.00	Linseed oil, other than crude, and its fractions, whether or not refined, not chemically modified.
1515.21.00	Corn (maize) oil, crude, and its fractions, not chemically modified.
1515.29.00	Corn (maize) oil, other than crude, and its fractions, whether or not refined, not chemically modified.
1515.30.00	Castor oil and its fractions, whether or not refined, but not chemically modified.
1515.50.00	Sesame oil and its fractions, whether or not refined, not chemically modified.
1515.90.21	Nut oils, whether or not refined, not chemically modified.
1515.90.60	Jojoba oil and its fractions, whether or not refined, not chemically modified.
1515.90.80	Fixed vegetable fats and oils and their fractions nesoi, whether or not refined, not chemically modified.
1516.10.00	Animal fats and oils, partly or wholly hydrogenated, interesterified, reesterified or elaidinized, not further prepared.
1516.20.10	Rapeseed oil, hydrogenated or hardened.
1516.20.90	Vegetable fats and oils nesoi, partly or wholly hydrogenated, interesterified, reesterified or elaidinized, not further prepared.
1517.10.00	Margarine, excluding liquid margarine.
1517.90.10	Edible artificial mixtures of products provided for in headings 1501 to 1515, cont. 5% or more by weight of soybean oil or fraction thereof.
1517.90.20	Edible artificial mixtures of products provided for in headings 1501 to 1515, nesoi.
1517.90.45	Edible mixt. & preps, dairy products described in add. US note 1 to Ch 4: subject to gen. note 15 of the HTS.
1517.90.50	Edible mixt. & preps, dairy products described in add. US note 1 to Ch 4: subject to add. US note 10 to Ch. 4.
1517.90.60	Edible mixt. & preps, dairy products described in add. US note 1 to Ch 4: not subj. to gen. note 15 or add. US note 10 to Ch. 4.
1517.90.90	Edible mixt. & preps (ex. dairy products descr. in add. US note 1 to Ch. 4), nesoi.
1518.00.20	Linseed or flaxseed oil, and their fractions, boiled, oxidized, dehydrated, sulfurized, blown or otherwise chemically modified.
1518.00.40	Animal or vegetable fats and oils, nesoi, oxidized, dehydrated or otherwise chemically modified; inedible mixtures of fats and oils nesoi.
1520.00.00	Glycerol, crude; glycerol waters and glycerol lyes.
1521.10.00	Vegetable waxes (other than triglycerides), whether or not refined or colored.
1521.90.20	Bleached beeswax.
1521.90.40	Insect waxes, other than bleached beeswax, and spermaceti, whether or not refined or colored.
1522.00.00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes.
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products.
1601.00.40	Sausages and similar products of beef, beef offal or blood; food preparations based on these products, in airtight containers.
1601.00.60	Sausage and similar products of meats, meat offal or blood nesoi; food preparations based on these products.
1602.10.10	Homogenized preparations of prepared or preserved meat, meat offal or blood, put up for retail sale as food for infants or for dietetic purposes.
1602.10.50	Homogenized preparations of prepared or preserved meat, meat offal or blood, put up for retail sale as food for children.
1602.20.20	Prepared or preserved liver of goose.
1602.20.40	Prepared or preserved liver of any animal other than of goose.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
1602.31.00	Prepared or preserved meat or meat offal of turkeys, nesoi.
1602.39.00	Prepared or preserved meat or meat offal of ducks, geese or guineas, nesoi.
1602.41.10	Prepared or preserved pork ham and cuts thereof, containing cereals or vegetables.
1602.41.20	Pork hams and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers.
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.
1602.49.10	Prepared or preserved pork offal, including mixtures.
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.
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi.
1602.49.60	Prepared or preserved pork mixed with beef.
1602.49.90	Prepared or preserved pork, nesoi.
1602.50.05	Prepared or preserved offal of bovine animals.
1602.50.07	Corned beed in airtight containers.
1602.50.08	Of bovine animals, cured or pickled, not corned beef, not in airtight containers.
1602.50.21	Of bovine animals, other, in airtight containers.
1602.50.60	Prepared or preserved meat of bovine animals, not containing cereals or vegetables, nesoi.
1602.50.90	Prepared or preserved meat of bovine animals, containing cereals or vegetables.
1602.90.10	Prepared or preserved frog meat.
1602.90.91	Prepared or preserved meat, meat offal or blood, whether or not canned, nesoi.
1701.12.05	Beet sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS.
1701.12.10	Beet sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17.
1701.12.50	Beet sugar, raw, in solid form, w/o added flavoring or coloring, nesoi, not subject to gen. note 15 or add. US 5 to Ch.17.
1701.13.05	Cane sugar, raw, specified in subheading 2 to chapter 17, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS.
1701.13.10	Cane sugar, raw, specified in subheading 2 and subject to add'l note 5 to this chapter, in solid form, w/o added flavoring or coloring.
1701.13.20	Cane sugar, raw, specified in subheading 2 to chapter 17, to be used for certain polyhydric alcohols.
1701.13.50	Cane sugar, raw, specif in subhead 2 to chapt 17,solid, w/o added flavor or color, not subject gen. note 15 of the HTS or chapter note 5.
1701.14.05	Other cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS.
1701.14.10	Other cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17.
1701.14.20	Other cane sugar, raw, in solid form, to be used for certain polyhydric alcohols.
1701.14.50	Other cane sugar, raw solid form, w/o flavoring or coloring, nesoi, not subject to gen. note 15 or add. US 5 to Ch.17.
1701.91.05	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., subject to gen. note 15 of the HTS.
1701.91.10	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., subject to add. US 5 to Ch.17.
1701.91.30	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., not subject to gen. note 15 or add. US 5 to Ch.17.
1701.91.42	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, subj. to gen nte 15.
1701.91.44	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, subj. to Ch17 US nte 7.
1701.91.48	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, not GN 15/Ch 17 US nte 7.
1701.91.52	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/10% by wt. sugar, descr. in Ch17 US note 3, subj. to gen nte 15.
1701.91.54	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/10% by wt. sugar, descr. in Ch17 US note 3, subj. to Ch17 US nte 8.
1701.91.58	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/10% by wt. sugar, descr. in Ch17 US note 3, not GN15/Ch.17 US nte 8.
1701.91.80	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, nesoi.
1701.99.05	Cane/beet sugar & pure sucrose, refined, solid, w/o added coloring or flavoring, subject to gen. note 15 of the HTS.
1702.11.00	Lactose and lactose syrup containing by weight 99% or more lactose, calculated on the dry matter.
1702.19.00	Lactose and lactose syrup containing by weight less than 99% lactose, calculated on the dry matter.
1702.20.22	Maple syrup, blended, described in add. US note 4 to Ch.17: subject to gen. note 15 of the HTS.
1702.20.24	Maple syrup, blended, described in add. US note 4 to Ch.17: subject to add. US note 9 to Ch.17.
1702.20.28	Maple syrup, blended, described in add. US note 4 to Ch.17: not subject to gen note 15 or add. US note 9 to Ch.17.
1702.20.40	Maple sugar and maple syrup, nesoi.
1702.30.22	Glucose & glucose syrup nt containing or containing in dry state less than 20% fructose; blended, see gen. note 15 of the schedule & prov..
1702.30.24	Glucose & glucose syrup nt containing or containing in dry state less than 20% fructose; blended, see add'l U.S. note 9 (chap. 17) & Prov..
1702.30.28	Glucose & glucose syrup not containing or containing in dry state less than 20% fructose; blended syrups (chap 17-note 4), nesoi.
1702.30.40	Glucose and glucose syrup, not containing fructose or in the dry state less than 20 percent by weight of fructose, nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
1702.40.22	Blended syrup desc. in add'l U.S. note 4(chap.17) Contng in dry state 20%-50% by weight of fructose, see gen. note 15 of the HTS & prov..
1702.40.24	Blended syrup desc. in add'l U.S. note 4(chap.17) Contng in dry state 20%-50% by weight of fructose, see add'l U.S. note 9 (chap.17) & Prov..
1702.40.28	Blended syrup desc. in add'l U.S. note 4(chap.17) Contng in dry state 20%-50% by weight of fructose, nesoi.
1702.40.40	Glucose in solid form & glucose syrup, containing in dry state at least 20% but less than 50% by weight of fructose, nesoi.
1702.50.00	Chemically pure fructose.
1702.60.22	Oth fructose & fruc. syrup contng in dry state >50% by wt. of fructose, blended syrup(see add'l U.S. note 4-chap 17) & see gen. note 15.
1702.60.24	Oth fructose & fruc. syrup contng in dry state >50% by wt. of fructose, blended syrup(see add'l U.S. note 4-chap 17) & see add'l U.S. note 9.
1702.60.28	Oth fructose & fruc. syrup contng in dry state >50% by wt. of fructose, blended syrup(see add'l U.S. note 4-chap 17), nesoi.
1702.60.40	Glucose and glucose syrup, w/50% or more fructose, other than blended syrups described in add. US note 4 to Ch.17.
1702.90.05	Cane/beet sugars & syrups (incl. invert sugar); nesoi, w/soluble non-sugar solids 6% or less soluble solids, subj to GN 15.
1702.90.10	Cane/beet sugars & syrups (incl. invert sugar); nesoi, w/soluble non-sugar solids 6% or less soluble solids, subj Ch17 US note 5.
1702.90.20	Cane/beet sugars & syrups (incl. invert sugar); nesoi, w/soluble non-sugar solids 6% or less soluble solids, not subj to GN15/ Ch17 US nte 5.
1702.90.35	Invert molasses.
1702.90.40	Other cane/beet syrups nesoi.
1702.90.52	Sugar syrups, artificial honey, caramel, nesoi, subject to gen. note 15 of the HTS.
1702.90.54	Blended syrups described in add. US note 4 to chap. 17, nesoi, subject to add. US note 9 to Ch. 17.
1702.90.58	Blended syrups described in add. US note 4 to chap. 17, nesoi, not subject to add. US note 9 to Ch. 17.
1702.90.64	Sugars nesoi w/o 65% by dry wt. sugar, described in add. U.S note 2 to Ch.17: and subj. to add. US note 7 to Ch.17.
1702.90.68	Sugars nesoi w/o 65% by dry wt. sugar, described in add. U.S note 2 to Ch.17: and not subj. to add. US note 7 to Ch.17.
1703.10.30	Cane molasses imported for (a) the commercial extraction of sugar or (b) human consumption.
1703.10.50	Cane molasses nesoi.
1703.90.30	Molasses, other than cane, imported for (a) the commercial extraction of sugar or (b) human consumption.
1703.90.50	Molasses nesoi.
1704.10.00	Chewing gum, not containing cocoa, whether or not sugar-coated.
1704.90.10	Candied nuts, not containing cocoa.
1704.90.25	Sugar confectionary cough drops, not containing cocoa.
1704.90.52	Sugar confectionery nesoi, not containing cocoa, subject to gen. note 15 of the HTS.
1704.90.54	Sugar confectionery nesoi, w/o cocoa, dairy products subject to add. US note 1 to chap. 4: subject to add US note 10 to chapter 4.
1704.90.58	Sugar confectionery nesoi, w/o cocoa, dairy products subject to add. US note 1 to chap. 4: not subject to add US note 10 to chapter 4.
1704.90.64	Sugar confectionery nesoi o/65% by dry wt. of sugar described in add. US note 2 to Ch. 17, w/o cocoa, subj. to add. US note 7 to Ch.17.
1704.90.68	Sugar confectionery nesoi o/65% by dry wt. of sugar described in add. US note 2 to Ch. 17, w/o cocoa, not subj. to Ch17 US note 7.
1704.90.74	Sugar confectionery nesoi o/10% by dry wt. of sugar described in add. US note 3 to Ch. 17, w/o cocoa, subj. to add. US note 8 to Ch.17.
1704.90.78	Sugar confectionery nesoi o/10% by dry wt. of sugar described in add. US note 3 to Ch. 17, w/o cocoa, not subj. to Ch17 US note 8.
1801.00.00	Cocoa beans, whole or broken, raw or roasted.
1802.00.00	Cocoa shells, husks, skins and other cocoa waste.
1803.10.00	Cocoa paste, not defatted.
1803.20.00	Cocoa paste, wholly or partly defatted.
1804.00.00	Cocoa butter, fat and oil.
1805.00.00	Cocoa powder, not containing added sugar or other sweetening matter.
1806.10.05	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, subject to gen. note 15 of the HTS.
1806.10.10	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, subject to add US note 1 to Ch. 18.
1806.10.15	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, not subject to gen note 15 or add US note 1 to Ch. 18.
1806.10.22	Cocoa powder, o/65% but less than 90% by dry wt of sugar, subject to gen. note 15 of the HTS.
1806.10.24	Cocoa powder, o/65% but less than 90% by dry wt of sugar, described in add US note 2 to Ch.17: subj. to add US note 7 to Ch. 17.
1806.10.28	Cocoa powder, o/65% but less than 90% by dry wt of sugar, described in add US note 2 to Ch.17: not subj. to add US note 7 to Ch. 17.
1806.10.34	Cocoa powder, sweetened, neosi, subject to add US note 1 to Ch. 18.
1806.10.38	Cocoa powder, sweetened, neosi, not subject to add US note 1 to Ch. 18.
1806.10.43	Cocoa powder, o/90% by dry wt of sugar, subject to gen. note 15 of the HTS.
1806.10.45	Cocoa powder, o/90% by dry wt of sugar, described in add US note 2 to Ch. 17: subject to add US note 7 to Ch. 17.
1806.10.55	Cocoa powder, o/90% by dry wt of sugar, described in add US note 2 to Ch. 17: not subject to add US note 7 to Ch. 17.
1806.10.65	Cocoa powder, o/90% by dry wt of sugar, neosi, subject to add. US note 1 to Ch. 18.
1806.10.75	Cocoa powder, o/90% by dry wt of sugar, neosi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
1806.20.20	Preparation consist wholly of ground cocoa beans, cont. n/o 32% butterfat and 60% sugar, in blocks or slabs 4.5 kg or more each.
1806.20.22	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, subj. to gen. note 15 of the HTS.
1806.20.24	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, subj. to add US note 2 to Ch. 18, not GN15, ov 5.5 pc bf.
1806.20.26	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not subj. Ch18 US note 2/GN15, ov 5.5 pc bf, less th 21% milk solids.
1806.20.28	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not GN15, ov 5.5 pc bf ov 21% milk solids.
1806.20.34	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not ov 5.5 pc bf, subj. to add US note 3 to Ch. 18, not GN15.
1806.20.36	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, less than 21% milk solids, not subj. to Ch18 US note 3/GN15.
1806.20.38	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, 21% or more milk solids, not GN15.
1806.20.50	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, no milk solids, not GN15.
1806.20.60	Confectioners' coatings & other products, not less than 6.8% non-fat solids of the cocoa bean nib and not less than 15% vegetable fats.
1806.20.67	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, subject to gen. note 15 of the HTS.
1806.20.71	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in add US nte 2 to Ch. 17: subj. to add note 7 to Ch. 17.
1806.20.73	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in Ch17 US nte 2, not subj. to Ch17 US note 7.
1806.20.75	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in add US nte 3 to Ch. 17: subj. to Ch17 US note 8.
1806.20.77	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in add US nte 3 to Ch. 17: not subj. to Ch17 US note 8.
1806.20.78	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, neosi.
1806.20.79	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, n/o 65% by wt of sugar, not in blocks 4.5 kg or more, subj to GN 15.
1806.20.81	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, (dairy prod. descr. in Ch.4 US note 1), n/o 65% sugar, subj to Ch.4 nte 10, not GN15.
1806.20.82	Chocolate/oth preps w/cocoa, o/2kg but n/o4.5 kg (dairy prod. of Ch4 US note 1), n/o 65% sugar, less th 21% milk solid, not GN15.
1806.20.83	Chocolate/oth preps w/cocoa, o/2kg but n/o4.5 kg (dairy prod. of Ch4 US note 10), n/o 65% sugar, 21% or more milk solids, not GN15.
1806.20.85	Low-fat chocoate crumb, n/o 65% by wt of sugar, ov 2kg but n/o 4.5 kg, subject to add US note 3 to Ch. 18, not GN15.
1806.20.87	Low-fat chocolate crumb, n/o 65% by wt of sugar, ov 2kg but n/o 4.5 kg, less than 21% milk solids, not GN15, not subj to ch 18 US note 3.
1806.20.89	Low-fat chocolate crumb, n/o 65% by wt of sugar, 21% or more milk solids, not ov 2kg, not GN15, not subj to ch 18 US note 3.
1806.20.91	Blended syrups w/chocolate or cocoa, o/2kg but n/o 4.5 kg, n/o 65% sugar, descr in Ch17 US note 4, subj. to Ch17 US note 9, not GN15.
1806.20.94	Blended syrups w/chocolate or cocoa, o/2kg but n/o 4.5 kg, n/o 65% sugar, descr in Ch 17 US note 4, not subj. to Cha7 US note 9, not GN15.
1806.20.95	Chocolate and preps w/cocoa, nesoi, o/2kg but n/o 4.5 kg, n/o 65% sugar, desc in Ch17 US note 3, subj. to Ch17 US note 8, not GN15.
1806.20.98	Chocolate and preps w/cocoa, neosi, o/2kg but n/o 4.5 kg, n/o 65% sugar, desc in Ch17 US note 3, not subj to Ch.17 US note 8, not GN15.
1806.20.99	Chocolate and preps with cocoa, nesoi, ov 2kg but n/o 4.5 kg, n/o 65% sugar, nesoi.
1806.31.00	Chocolate and other cocoa preparations, in blocks, slabs or bars, filled, not in bulk.
1806.32.01	Chocolate, nt filled, in blocks/slabs/bars 2kg or less, subj. to GN15.
1806.32.04	Chocolate, nt filled, in blocks/slabs/bars 2kg or less, subj. to add US note 2 to Ch. 18.
1806.32.06	Chocolate, not filled, less than 21% milk solids, >5.5% butterfat, in blocks/slabs/bars 2kg or less.
1806.32.08	Chocolate, not filled, 21% or more milk solids, >5.5% butterfat, in blocks/slabs/bars 2kg or less.
1806.32.14	Chocolate, not filled, in blocks/slabs/bars 2kg or less, subj. to add US note 3 to Ch. 18.
1806.32.16	Chocolate, not filled, less than 21% milk solids, <= 5.5% butterfat, in blocks/slabs/bars 2kg or less.
1806.32.18	Chocolate, not filled, 21% or more milk solids, <=5.5% butterfat, in blocks/slabs/bars 2kg or less.
1806.32.30	Chocolate, not filled, w/o butterfat/milk solids, in blocks/slabs/bars 2kg or less.
1806.32.55	Cocoa preps, not filled, in blocks, slabs or bars weighing 2 kg or less, subject to gen. note 15 of the HTS.
1806.32.60	Cocoa preps, (dairy prod. of Ch4 US note 1), not filled, in blocks, slabs or bars, w/wt 2 kg or less, subj. to add. US note 10 to Ch 4.
1806.32.70	Cocoa preps, (dairy prod. of Ch4 US note 1), less than 21% milk solids, not filled, in blocks/slabs/bars, 2 kg or less, not Ch.4 US nte 10.
1806.32.80	Cocoa preps, (dairy prod. of Ch4 US note 1), 21% or more milk solids, not filled, in blocks/slabs/bars, 2 kg or less, not Ch.4 US nte 10.
1806.32.90	Cocoa preps, not filled, in blocks, slabs or bars weighing 2kg or less,.
1806.90.01	Cocoa preps, not in blocks/slabs/bars, subj. to gen. note 15 of the HTS.
1806.90.05	Cocoa preps, (dairy prod. descr. in add US note 1 to Ch.4), not in blocks, slabs or bars, subj. to add. US note 10 to Ch 4, not GN15.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
1806.90.08	Cocoa preps, (dairy prod. descr. in add US note 1 to Ch.4), less than 21% milk solids, not in blocks, slabs or bars, not GN15.
1806.90.10	Cocoa preps, (dairy prod. descr. in Ch4 US note 1), 21% or more milk solids, not in blocks, slabs or bars, not Ch4 USNote 10, not GN15.
1806.90.15	Cocoa preps, o/5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 2 to Ch. 18, not GN15.
1806.90.18	Cocoa preps, o/5.5% butterfat by wt, w/less than 21% milk solids, not in blocks/slabs/bars, not GN15.
1806.90.20	Cocoa preps, o/5.5% butterfat by wt, 21% or more milk solids, not in blocks/slabs/bars, not GN15.
1806.90.25	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 3 to Ch. 18, not GN15.
1806.90.28	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, w/less than 21% milk solids, not blocks/slabs/bars, not Ch18 US note 3, not GN15.
1806.90.30	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, 21% or more milk solids, not in blocks/slabs/bars, not Ch18 US note 3, not GN15.
1806.90.35	Blended syrups w/chocolate or cocoa, nesoi, described in add US note 4 to Ch.17: subj. to add US note 9 to Ch. 17, not GN15.
1806.90.39	Blended syrups w/chocolate or cocoa, nesoi, described in add US note 4 to Ch.17: not subj. to add US note 9 to Ch. 17, not GN15.
1806.90.45	Chocolate and preps w/cocoa, nesoi, o/65% by dry wt of sugar, described in add US note 2 to Ch.17: subj. to Ch17 US note 7, not GN15.
1806.90.49	Chocolate and preps w/cocoa, nesoi, o/65% by dry wt of sugar, described in add US note 2 to Ch.17: not subj to Ch17 US note 7, not GN15.
1806.90.55	Chocolate and preps w/cocoa, nesoi, o/10% by dry wt of sugar, described in add US note 3 to Ch.17: subj to Ch17 US note 8, not GN15.
1806.90.59	Chocolate and preps w/cocoa, nesoi, o/10% by dry wt of sugar, described in add US note 3 to Ch.17: not subj to Ch17 US note 8, not GN15.
1806.90.90	Chocolate and preps w/cocoa, nesoi, not put up for retail sale.
1901.10.05	Preps for infant use, for retail sale, o/10% milk solids, subject to gen. note 15.
1901.10.11	Preps for infant use, infant formula containing Oligossaccharides and >10% milk solid by weight, described in US note 2.
1901.10.16	Preps for infant use, infant formula containing Oligossaccharides and > 10% milk solid by weight, nesoi.
1901.10.21	Pre[s for infant use containing >10% milk solids, dairy products described in additional note 10 to chap: provisional.
1901.10.26	Preps for infant use, containing >10% weight of milk solids, dairy products described in additional note 1 to chapter 4, nesoi.
1901.10.29	Preps for infant use, containing >10% by weight of milk solids, nesoi.
1901.10.31	Preps for infant use, nesoi, described in general note 15 of USHTS and entered pursuant to its provisions.
1901.10.33	Preps for infant use, nesoi, containing Oligosaccharides described in additional US note 2: provisional.
1901.10.36	Preps for infant use, nesoi, formula containing Oligosaccharides, nesoi.
1901.10.41	Preps for infant use, nesoi, dairy products described in additional US note 10 to chatper 4: provisional.
1901.10.44	Preps for infant use, dairy products described in additional US note 1 to chapter 4.
1901.10.49	Preps for infant use, nesoi.
1901.10.52	Preps for young children, containing >10% milk solids by weight, described in general note 15 of USHTS: provisional.
1901.10.54	Preps suitable for young children, containing >10% milk solids by weight, described in additional US note 10 to chapter 4.
1901.10.56	Preps for young children, dairy preps containing > 10% by weight of milk solids, nesoi.
1901.10.62	Preps for young children, nesoi, described in general note 15: provisional.
1901.10.64	Preps for young children, nesoi, described in additional US note 10 to chapter 4.
1901.10.66	Preps for young children, nesoi.
1901.10.72	Preps for young children, other excl dairy, described in general note 15 of USHTS and entered pursuant to its provisions.
1901.10.74	Preps for young children, nesoi, described in additional US note 8 to chapter 17 and entered pursuant to its provisions.
1901.10.76	Preps for young children, nesoi, containing >10% by dry weight of sugar described in additional US note 3 to Chapter 17: provisional.
1901.10.91	Preps for young children, nesoi.
1901.20.02	Mixes for bakers wares, o/25% butterfat, not retail, subject to gen. note 15 of the HTS.
1901.20.05	Mixes for bakers wares (dairy prod. of Ch4 US note 1), o/25% by wt butterfat, not retail, subj. to add. US nte 10 to Ch.4, not GN15.
1901.20.15	Mixes for bakers wares (dairy prod. of Ch4 US note 1), o/25% by wt butterfat, not retail, not subj. to add. US nte 10 to Ch.4, not GN15.
1901.20.20	Mixes for bakers wares, o/65% sugar, o/25% bf, not retail, descr in add US note 2 to Ch. 17: subj. to add. US nte 7 to Ch.17, not GN15.
1901.20.25	Mixes and doughs for the prep of bakers wares of heading 1905, containing over 25% by weight of butterfat, not put up for retail sale, nesoi.
1901.20.30	Mixes for bakers wares, o/25% bf, not retail, descr in add US note 1 to Ch. 19: subj. to add. US nte 3 to Ch.19, not GN15.
1901.20.35	Mixes for bakers wares, o/25% bf, not retail, descr in add US note 1 to Ch. 19: not subj. to add. US nte 3 to Ch.19, not GN15.
1901.20.40	Mixes for bakers wares, o/25% bf, not retail, nesoi.
1901.20.42	Mixes for bakers wares, n/o 25% bf, not retail, subject to gen. note 15 of the HTS.
1901.20.45	Mixes for bakers wares (dairy prod. of Ch4 US note 1), n/o 25% bf, not retail, subj. to add. US nte 10 to Ch.4, not GN15.
1901.20.50	Mixes for bakers wares (dairy prod. of Ch4 US note 1), n/o 25% bf, not retail, not subj. to add. US nte 10 to Ch.4, not GN15.
1901.20.55	Mixes for bakers wares, o/65% sugar, n/o 25% bf, not retail, descr in add US note 2 to Ch. 17: subj. to Ch17 US nte 7, not GN15.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
1901.20.60	Mixes for bakers wares, o/65% sugar, n/o 25% bf, not retail, descr in add US note 2 to Ch. 17: not subj. to Ch17 US nte 7, not GN15.
1901.20.65	Mixes for bakers wares, n/o 25% bf, not retail, descr in add US note 1 to Ch. 19: subj. to add. US nte 3 to Ch.19, not GN15.
1901.20.70	Mixes for bakers wares, n/o 25% bf, not retail, descr in add US note 1 to Ch. 19: not subj. to add. US nte 3 to Ch.19, not GN15.
1901.20.80	Mixes for bakers wares, n/o 25% bf, not retail, nesoi.
1901.90.10	Malt extract, fluid.
1901.90.20	Malt extract, solid or condensed.
1901.90.25	Puddings, ready for immediate consumption without further preparation.
1901.90.28	Dry mix. w/less than 31% bf & 17.5% or more sodium caseinate, bf, whey solids o/5.5% b'fat & dry whole milk, n/cntng dry milk/whey/b'fat.
1901.90.32	Cajeta not made from cow's milk.
1901.90.33	Margarine cheese subject to gen. note 15 of the HTS and entered pursuant to its provisions.
1901.90.34	Margarine cheese subject to add. US note 23 to Ch. 4 and entered pursuant to its provisions.
1901.90.36	Margarine cheese not subject to gen. note 15 or add US note 23 to Ch. 4.
1901.90.60	Malted milk described in general note 15 of USHTS and entered pursuant to its provisions.
1901.90.61	Malted milk described in additional US note 10 to chapter 4: provisional.
1901.90.62	Malted milk containing >10% by weight of milk solids, nesoi.
1901.90.63	Articles of milk or cream, nesoi, preps containing >10% by weight of milk solids, described in general note 15: provisional.
1901.90.64	Articles of milk or cream, nesoi, preps containing >10% by weight of milk solids, described in additional US note 10 to chapter 4.
1901.90.65	Articles of milk or cream, nesoi, preps containing >10% by weight of milk solids, nesoi.
1901.90.66	Malted milk, nesoi, described in general note 15 of USHTS and entered pursuant to its provisions.
1901.90.67	Articles of milk or cream, nesoi, containing >65% by dry weight of sugar described in additional US note 7 to Chapter 17: provisional.
1901.90.68	Articles of milk or cream, nesoi, containing >65% by dry weight of sugar described in additional US note 2 to Chapter 17: provisional.
1901.90.69	Articles of milk or cream, nesoi, described I n additional US note 8 to chapter 17 and entered pursuant to its provisions.
1901.90.71	Articles of milk or cream, nesoi, containing >10% by dry weight of sugar described in additional US note 3 to chapter 17: provisional.
1901.90.72	Food preps, nesoi, containing >5.5% by weight of butterfat and not packaged for retail sale, nesoi.
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.
1902.40.00	Couscous, whether or not prepared.
1903.00.20	Tapioca and substitutes prepared from arrowroot, cassava or sago, in the form of flakes, grains, pearls, siftings or in similar forms.
1903.00.40	Tapioca and substitutes, prepared from starch nesoi, in the form of flakes, grains, pearls, siftings or in similar forms.
1904.10.00	Prepared foods obtained by the swelling or roasting of cereals or cereal products.
1904.20.10	Prep food in airtght cont., of unroast cereal flake/mixture of unroasted/roasted cereal flake/swelled cereal, no apricot/citrus/peach/pear.
1904.20.90	Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted and roasted cereal flakes or swelled cereals, nesoi.
1904.30.00	Bulgur wheat, in grain form or in form of flakes or other worked grain (except flour, groats & meal), pre-cooked or otherwise prepared, nesoi.
1904.90.01	Cereals, other than corn, in grain form or form flakes or other worked grain (not flour, groat & meal), pre-cooked or otherwise prepared, nesoi.
1905.10.00	Crispbread.
1905.20.00	Gingerbread and the like.
1905.31.00	Sweet biscuits.
1905.32.00	Waffles and wafers.
1905.40.00	Rusks, toasted bread and similar toasted products.
1905.90.90	Bakers' wares communion wafers, empty capsules suitable for pharmaceutical use, sealing wafers, rice paper and similar products, nesoi.
2001.90.10	Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg.
2001.90.33	Nopalitos, preserved by vinegar.
2001.90.45	Mangoes, prepared or preserved by vinegar or acetic acid.
2004.10.40	Yellow (Solano) potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen.
2004.90.10	Antipasto, prepared or preserved otherwise than by vinegar or acetic acid, frozen.
2005.10.00	Homogenized vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.
2005.70.02	Olives, green, not pitted, in saline, ripe, in containers holding 13 kg or less, aggregate quantity not to exceed 730 m ton/yr.
2005.70.04	Olives, green, not pitted, in saline, ripe, in containers holding 13 kg or less, aggregate quantity exceeding 730 m ton/yr.
2005.70.06	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, subject to add. US note 4 to Ch. 20.
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. US note 4 to Ch. 20.
2005.70.12	Olives, green, not pitted, in saline, not ripe.
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.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
2005.70.18	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity o/2700 m ton/yr.
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less.
2005.70.50	Olives (not green), in a saline solution, canned, not pitted.
2005.70.91	Olives, green, container less 13 kg, quota of 550 m tons/year, prepared or preserved otherwise than by vinegar/acetic acid, not in saline.
2005.70.93	Olives, green, container less than 13 kg, exceed 550 m tons/year, prepared or preserved otherwise than by vinegar/acetic acid, not in saline.
2007.91.90	Citrus jams, fruit jellies, and marmalades (other than orange).
2007.99.30	Guava jam.
2007.99.55	Papaya pastes and purees, being cooked preparations.
2008.11.35	Blanched peanuts, nesoi, not subject to gen note 15 or add US note 2 to Ch. 12.
2008.11.60	Peanuts, otherwise prepared or preserved, nesoi, not subject to gen note 15 or add US note 2 to Ch. 12.
2008.30.35	Orange pulp, otherwise prepared or preserved, nesoi.
2008.30.37	Citrus fruit pulp other than orange, otherwise prepared or preserved, nesoi.
2008.30.60	Lemons (other than peel or pulp), otherwise prepared or preserved, nesoi.
2008.30.66	Limes (other than peel or pulp), otherwise prepared or preserved, not elsewhere specified or included.
2008.30.85	Citron (other than peel or pulp), otherwise prepared or preserved, nesoi.
2008.91.00	Palm hearts, otherwise prepared or preserved, nesoi.
2008.99.10	Avocados, otherwise prepared or preserved, nesoi.
2008.99.13	Banana pulp, otherwise prepared or preserved, nesoi.
2008.99.45	Papaya pulp, otherwise prepared or preserved, nesoi.
2008.99.65	Yucca, otherwise prepared or preserved, nesoi.
2009.12.25	Orange juice, not frozen, Brix value not exceed 20, not concentrate & not made from juice degree concentration of 1.5 or >, unfermented.
2009.12.45	Orange juice, not frozen, of a Brix value not exceeding 20, concentrated, unfermented.
2009.19.00	Orange juice, not frozen, of a Brix value exceeding 20, unfermented.
2009.21.20	Grapefruit juice, Brix value not exceeding 20, not concentrated and not made from a juice degree of concentration of 1.5 or >, unfermented.
2009.21.40	Grapefruit juice, of a Brix value not exceeding 20, concentrated, unfermented.
2009.31.10	Lime juice, of a Brix value not exceeding 20, unfit for beverage purposes, unfermented.
2009.39.10	Lime juice, of a Brix value exceeding 20, unfit for beverage purposes, unfermented.
2009.39.20	Lime juice, of a Brix value exceeding 20, fit for beverage purposes, unfermented.
2009.41.20	Pineapple juice, of a Brix value not exceeding 20, not concentrated, or not having a degree of concentration of > 3.5, unfermented.
2009.49.20	Pineapple juice, of a Brix value exceeding 20, not concentrated, or not having a degree of concentration of > 3.5, unfermented.
2009.61.00	Grape juice (including grape must), of a Brix value not exceeding 30, unfermented.
2009.81.00	Cranberry juice, concentrated or not concentrated.
2009.89.40	Prune juice, concentrated or not concentrated.
2009.90.20	Mixtures of vegetable juices, concentrated or not concentrated.
2101.11.21	Instant coffee, not flavored.
2101.11.29	Extracts, essences and concentrates of coffee other than unflavored instant coffee.
2101.12.32	Preparations with a basis of extracts, essences or concentrates or with a basis of coffee, subject to general note 15 (outside quota).
2101.12.34	Blend syrup (Ch17 add US note 4) preparation w/basis of extract,essence or concentrate or w/basis of coffee, subj. quota of Ch17 add US nte 9.
2101.12.38	Blend syrup (Ch17 add US note 4) preparation w/basis of extract, essence or concentrate or w/basis of coffee, over Ch17 add US note 9 quota.
2101.12.44	Preparation ov 65% sugar (Ch17 add US nte 2) w/basis of extract,essence or concentrate or w/basis of coffee, subj. quota of Ch17 add US nte 7.
2101.12.48	Preparation ov 65% sugar (Ch17 add US note 2) w/basis of extract, essence or concentrate or w/basis of coffee, ov Ch17 add US note 9 quota.
2101.12.54	Preparation ov 10% sugar (Ch17 add US nte 3) w/basis of extract,essence or concentrate or w/basis of coffee, subj. quota of Ch17 add US nte 8.
2101.12.58	Preparation ov 10% sugar (Ch17 add US note 3) w/basis of extract, essence or concentrate or w/basis of coffee, ov Ch17 add US note 8 quota.
2101.12.90	Preparations nesoi, with a basis of extracts, essences or concentrates or with a basis of coffee.
2101.20.20	Extracts, essences or concentrates of tea or mate.
2101.20.32	Preparations with a basis of extracts, essences or concentrates or with a basis of tea or mate, subject to general note 15 (outside quota).
2101.20.34	Blend syrup (Ch17 add US nte 4) preparation w/basis extract/essence/concentrate or w/basis of tea or mate, subj. quota of Ch17 add US nte 9.
2101.20.38	Blend syrup (Ch17 add US note 4) preparation w/basis of extract/essence/concentrate or w/basis of tea or mate, over Ch17 add US note 9 quota.
2101.20.44	Preparation ov 65% sugar (Ch17 add US nte 2) w/basis extract/essence/concentrate or w/basis of tea or mate, subj. quota of Ch17 add US note 7.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
2101.20.48	Preparation ov 65% sugar (Ch17 add US note 2) w/basis of extract/essence/concentrate or w/basis of tea or mate, ov Ch17 add US note 9 quota.
2101.20.54	Preparation ov 10% sugar (Ch17 add US nte 3) w/basis extract/essence/concentrate or w/basis of tea or mate,subj. quota of Ch17 add US note 8.
2101.20.58	Preparation ov 10% sugar (Ch17 add US note 3) w/basis of extract/essence/concentrate or w/basis of tea or mate, ov Ch17 add US note 8 quota.
2101.20.90	Preparations nesoi, with a basis of extracts, essences or concentrates or with a basis of tea or mate.
2101.30.00	Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof.
2102.10.00	Active yeasts.
2102.20.20	Inactive yeasts (except dried brewers' yeast).
2102.20.40	Dried brewers' yeast, crude.
2102.20.60	Single-cell micro-organisms, dead, excluding yeasts, (but not including vaccines of heading 3002).
2102.30.00	Prepared baking powders.
2103.20.20	Tomato ketchup.
2103.20.40	Tomato sauces, nesoi.
2103.30.20	Mustard flour and meal.
2103.30.40	Prepared mustard.
2103.90.20	Sauces derived or prepared from fish.
2103.90.40	Nonalcoholic preparations of yeast extract (other than sauces).
2103.90.72	Mixed condiments and mixed seasonings (described in add US note 3 to Ch. 21), subject to gen. note 15 of the HTS.
2103.90.74	Mixed condiments and mixed seasonings (described in add US note 3 to Ch. 21), subject to add. US note 8(a) to Ch.17, not GN15.
2103.90.78	Mixed condiments and mixed seasonings (described in add US note 3 to Ch. 21), not subject to gen note 15 or add. US note 8(a) to Ch.17.
2103.90.90	Sauces and preparations therefor, neosi.
2104.10.00	Soups and broths and preparations therefor.
2104.20.10	Homogenized composite food preps put up for retail sale for infants or for dietectic purposes.
2104.20.50	Homogenized composite food preps put up for retail sale for young children.
2105.00.05	Ice cream, whether or not w/cocoa, subject to gen. note 15 of the HTS.
2105.00.10	Ice cream, whether or not w/cocoa, subject to add. US note 5 to Ch. 21, not GN15.
2105.00.20	Ice cream, whether or not containing cocoa, not subject to gen note 15 or add. US note 5 to Ch.21.
2105.00.25	Edible ice (dairy prod. described in add US note 1 to Ch. 4), subject to gen note 15 of the HTS.
2105.00.30	Edible ice (dairy prod. described in add US note 1 to Ch. 4), subject to add US note 10 to Ch. 4, not GN15.
2105.00.40	Edible ice except ice cream, dairy products described in add'l U.S. note 1 to chap. 4, nesoi.
2105.00.50	Edible ice, except ice cream, not described in add US note 1 to Ch. 4, nesoi.
2106.90.03	Food preps, nesoi, n/o 5.5% bf, mixed w/other ingred. if o/16% milk solids capable of being further proc., subj. to GN15.
2106.90.06	Food preps, nesoi, n/o 5.5% bf, mixed w/other ingred. if o/16% milk solids capable of being further proc., subj. to Ch4 US nte 10, not GN15.
2106.90.09	Food preps, nesoi, n/o 5.5% b'fat, mixed w/other ingredi., if o/16% milk solids by wt, capable of being further proc, bulk, nesoi, not GN15.
2106.90.12	Compound alcoholic preparations of a kind used for the manufacture of beverages, over 20% weight alcohol but not over 0.5% vol alcohol.
2106.90.15	Compound alcoholic preparations used in the manufacture of beverages, cont. over 20% not over 50% of alcohol by weight.
2106.90.18	Compound alcoholic preparations of a kind used for the manufacture of beverages, containing over 50% of alcohol by weight.
2106.90.22	Butter substitutes o/10% by wt of milk solids, o/45% butterfat, subject to gen. note 15 to the HTS.
2106.90.24	Butter substitutes o/10% by wt of milk solids, o/45% butterfat, subject to add US note 14 to Ch.4, not GN15.
2106.90.26	Butter substitutes o/10% by wt of milk solids, o/45% butterfat, not subject to gen note 15 or add US note 14 to Ch.4.
2106.90.28	Butter substitutes o/10% by wt of milk solids, n/o 45% butterfat, neosi.
2106.90.32	Butter substitutes n/o 10% by wt of milk solids, o/45% butterfat, subject to gen. note 15 to the HTS.
2106.90.34	Butter substitutes n/o 10% by wt of milk solids, o/45% butterfat, subject to add US note 14 to Ch.4, not GN15.
2106.90.36	Butter substitutes n/o 10% by wt of milk solids, o/45% butterfat, not subject to gen note 15 or add US note 14 to Ch.4.
2106.90.38	Butter substitutes n/o 10% by wt of milk solids, n/o 45% butterfat, neosi.
2106.90.42	Syrups from cane/beet sugar, neosi, w/added coloring but not added flavoring, subject to gen. note 15 of the HTS.
2106.90.44	Syrups from cane/beet sugar, neosi, w/added coloring but not added flavoring, subject to add US note 5 to Ch. 17, not GN15.
2106.90.46	Syrups from cane/beet sugar, neosi, w/added coloring but not added flavoring, not subject to gen note 15 or add US note 5 to Ch. 17.
2106.90.48	Orange juice, fortified with vitamins or minerals.
2106.90.52	Juice of any single fruit or vegetables juices (o/t orange), concentrated, fortified with vitamins or minerals.
2106.90.54	Mixtures of fruit or vegetable juices, fortified with vitamins or minerals, nesoi, mixtures of juices in concentrated form.
2106.90.58	Food preparations of gelatin, neosi.
2106.90.62	Food preps, nesoi, o/10% by wt of milk solids, subject to gen. note 15 of the HTS.
2106.90.64	Food preps, nesoi, o/10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: subject to add US note 10 to Ch.4, not GN15.
2106.90.66	Food preps, nesoi, o/10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: not subject to Ch4 US note 10, not GN15.
2106.90.68	Blended syrups, neosi, o/10% milk solids, descr. in add US note 4 to Ch 17: subject to add US note 9 to Ch. 17, not GN15.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
2106.90.72	Blended syrups, neosi, o/10% milk solids, descr. in add US note 4 to Ch 17: not subject to add US note 9 to Ch. 17, not GN15.
2106.90.74	Food preps, nesoi, o/10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, subject to add US note 7 to Ch. 17, not GN15.
2106.90.76	Food preps, nesoi, o/10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, not subject to add US note 7 to Ch. 17, not GN15.
2106.90.78	Food preps, nesoi, o/10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, subject to add US note 8 to Ch. 17, not GN15.
2106.90.80	Food preps, nesoi, o/10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, not subject to add US note 8 to Ch. 17, not GN15.
2106.90.82	Food preps, nesoi, o/10% milk solids, neosi.
2106.90.83	Food preps, nesoi, n/o 10% by wt of milk solids, subject to gen. note 15 of the HTS.
2106.90.85	Food preps, nesoi, n/o 10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: subject to add US note 10 to Ch.4, not GN15.
2106.90.87	Food preps, nesoi, n/o 10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: n/subject to add US note 10 to Ch. 4, n/GN15.
2106.90.89	Blended syrups, neosi, n/o 10% milk solids, descr. in add US note 4 to Ch 17: subject to add US note 9 to Ch. 17, not GN15.
2106.90.91	Blended syrups, neosi, n/o/10% milk solids, descr. in add US note 4 to Ch 17: not subject to add US note 9 to Ch. 17, not GN15.
2106.90.92	Food preps, nesoi, n/o 10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, subject to add US note 7 to Ch. 17, not GN15.
2106.90.94	Food preps, nesoi, n/o 10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, not subject to add US note 7 to Ch. 17, not GN15.
2106.90.95	Food preps, nesoi, n/o 10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, subject to add US note 8 to Ch. 17, not GN15.
2106.90.97	Food preps, nesoi, n/o 10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, not subject to add US note 8 to Ch. 17, not GN15.
2106.90.98	Other food preps nesoi, incl preps for the manufacture of beverages, non-dairy coffee whiteners, herbal teas and flavored honey.
2202.91.00	Nonalcoholic beer.
2202.99.10	Chocolate milk drink.
2202.99.22	Milk-based drinks described in general note 15 of USHTS and entered pursuant to its provisions, nonalcoholic, nesoi.
2202.99.24	Milk-based drinks described in additional US note 10 to chapter 4 and entered pursuant to its provisions, nonalcoholic, nesoi.
2202.99.28	Milk-based drinks, nonalcoholic, nesoi.
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% I n 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.
2205.10.30	Vermouth in containers holding 2 liters or less.
2205.10.60	Wine of fresh grapes flavored with plants or aromatic substances, other than vermouth, in containers holding 2 liters or less.
2205.90.20	Vermouth in containers each holding over 2 liters but not over 4 liters.
2205.90.40	Vermouth in containers each holding over 4 liters.
2205.90.60	Wine of fresh grapes flavored with plants or aromatic substances, other than vermouth, in containers holding over 2 liters.
2206.00.15	Cider, fermented, whether still or sparkling.
2206.00.30	Prune wine.
2206.00.60	Effervescent wine, nesoi.
2207.20.00	Ethyl alcohol and other spirits, denatured, of any strength.
2208.20.10	Pisco and singani.
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.
2208.30.30	Irish and Scotch whiskies.
2208.30.60	Whiskies, other than Irish and Scotch whiskies.
2208.40.20	Rum and tafia, in containers each holding not over 4 liters, valued not over $3/proof liter.
2208.40.40	Rum and tafia, in containers each holding not over 4 liters, valued over $3/proof liter.
2208.40.60	Rum and tafia, in containers each holding over 4 liters, valued not over $0.69/proof liter.
2208.40.80	Rum and tafia, in containers each holding over 4 liters, valued over $0.69/proof liter.
2208.50.00	Gin and Geneve.
2208.60.10	Vodka, in containers each holding not over 4 liters, valued not over $2.05/liter.
2208.60.20	Vodka, in containers each holding not over 4 liters, valued over $2.05/liter.
2208.60.50	Vodka, in containers each holding over 4 liters.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
2208.70.00	Liqueurs and cordials.
2208.90.01	Aquavit.
2208.90.05	Bitters, not fit for use as beverages.
2208.90.10	Bitters, fit for use as beverages.
2208.90.12	Slivovitz brandy, valued not over $3.43/liter, in containers each holding not over 4 liters.
2208.90.14	Slivovitz brandy, valued not over $3.43/liter, in containers each holding over 4 liters.
2208.90.15	Slivovitz brandy, valued over $3.43/liter.
2208.90.20	Brandy, except slivovitz, in containers each holding not over 4 liters, valued not over $2.38/liter.
2208.90.25	Brandy, except grape brandy and slivovitz, in containers each holding not over 4 liters, valued over $2.38 but not over $3.43/liter.
2208.90.30	Brandy, except grape brandy and slivovitz, in containers each holding not over 4 liters, valued over $3.43/liter.
2208.90.35	Brandy, except grape brandy and slivovitz, in containers each holding over 4 liters, valued not over $2.38/liter.
2208.90.40	Brandy, except grape brandy and slivovitz, in containers each holding over 4 liters, valued over $2.38/liter.
2208.90.46	Kirschwasser and ratafia.
2208.90.50	Tequila, in containers each holding not over 4 liters.
2208.90.55	Tequila, in containers each holding over 4 liters.
2208.90.71	Imitations of brandy and other spirituous beverages containing alcohol.
2208.90.72	Mescal in containers each holding not over 4 liters.
2208.90.75	Spirits nesoi, fit for use as beverages or for beverage purposes.
2208.90.80	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 percent vol., nesoi.
2302.10.00	Bran, sharps (middlings) and other residues, derived from the sifting, milling or other working of corn (maize).
2306.10.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of cotton seeds.
2306.50.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of coconut or copra.
2306.60.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of palm nuts or kernels.
2307.00.00	Wine lees; argol.
2308.00.10	Acorns and horse-chestnuts, of a kind used in animal feeding, not elsewhere specified or included.
2308.00.93	Screenings, scalpings, chaff or scourings, ground or not ground of flaxseed (linseed), of a kind used in animal feeding, nesoi.
2309.90.22	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, subject to gen. note 15 of the HTS.
2309.90.24	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, subject to add note 2 to Ch. 23, not GN15.
2309.90.28	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, not subject to gen note 15 or add note 2 to Ch. 23.
2309.90.42	Animal feeds w/milk or milk derivatives, n/o 10% by wt of milk solids, subject to gen. note 15 of the HTS.
2309.90.44	Animal feeds w/milk or milk derivatives, n/o 10% by wt of milk solids, subject to add note 2 to Ch. 23, not GN15.
2309.90.48	Animal feeds w/milk or milk derivatives, n/o 10% by wt of milk solids, not subject to gen note 15 or add note 2 to Ch. 23.
2309.90.60	Animal feeds containing egg, other than mixed feeds or mixed feed ingredients, not containing milk or milk derivatives.
2401.10.21	Wrapper tobacco, not stemmed/stripped.
2401.10.29	Tobacco (o/t wrapper tobacco), cont ov 35% wrapper tobacco, not stemmed/stripped.
2401.10.48	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, oriental or turkish type, other than cigarette leaf.
2401.10.53	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, cigar binder and filler.
2401.10.61	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley etc, not for cigarettes.
2401.10.63	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley, etc., described in addl US note 5 to chap 24.
2401.10.65	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley, etc., other nesoi.
2401.10.95	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, not flue-cured burley, etc., other nesoi.
2403.91.20	''Homogenized'' or ''reconstituted'' tobacco suitable for use as wrapper tobacco.
2403.91.45	''Homogenized'' or ''reconstituted'' tobacco, not suitable for use as wrapper tobacco, to be used in cigarettes, des. in addl US note 5 to chap.
2403.91.47	''Homogenized'' or ''reconstituted'' tobacco, not suitable for use as wrapper tobacco, to be used in cigarettes, other nesoi.
2511.10.10	Natural barium sulfate (barytes), ground.
2511.10.50	Natural barium sulfate (barytes), not ground.
2621.10.00	Ash and residues from the incineraction of municipal waste.
2707.99.51	Phenols > 50% by wt hydroxybenzene.
2710.91.00	Waste oils from petro oils/bitum minerals/preps 70%+ by wt. fr. petro oils/bitum minerals containing PCBs, PCTs or PBBs.
2710.99.05	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil/bituminous minerals, testing under 25 degree A.P.I..
2710.99.10	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil/bituminous minerals, testing 25 degrees A.P.I. or >.
2710.99.16	Waste motor fuel or motor fuel blending stock from petro oils and bitumin. minerals (o/than crude) or preps. 70%+ by wt. from petro oils.
2710.99.21	Waste kerosene or naphthas from petro oils and bitumin minerals (o/than crude) or preps. 70%+ by wt. From petro oils/bitumin minerals.
2710.99.31	Waste lubricating oils, w/or w/o additives, from petro oils and bitumin minerals (o/than crude) or preps. 70%+ by wt. from petro oils.
2710.99.32	Waste lubricating greases from petro oil/bitum min/70%+ by wt. fr petro oils but n/o 10% by wt. of fatty acid salts animal/vegetable origin.
2710.99.39	Waste lubricating greases from petro oil/bitum min/70%+ by wt. fr petro oils but over 10% by wt. of fatty acid salts animal/vegetable origin.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
2710.99.45	Waste mixtures of hydrocarbons from petro oils & bitum. min. or preps.70%+ by wt. fr. petro oils, nesoi, n/o 50% any single hydrocarbon.
2710.99.90	Waste petroleum oils & oils from bitum. min. or preps nesoi 70%+ by wt. from petro. oils or bitum. min., nesoi.
2712.20.00	Paraffin wax (whether or not colored), obtained by synthesis or other process and less than 0.75% oil by wt..
2811.19.10	Arsenic acid.
2816.40.20	Oxides, hydroxides and peroxides of barium.
2818.10.10	Artificial corundum, crude.
2818.10.20	Artificial corundum, in grains, or ground, pulverized or refined.
2818.20.00	Aluminum oxide, other than artificial corundum.
2826.90.90	Other complex fluorine salts, nesoi.
2827.39.10	Vanadium chlorides.
2827.49.50	Chloride oxides and chloride hydroxides other than of copper or of vanadium.
2829.90.25	Sodium bromate.
2837.19.01	Cyanides and cyanide oxides, except those of sodium.
2844.20.00	Uranium enriched in U235 and plutonium and their compounds; alloys, dispersions, ceramic products and mixtures containing these products.
2844.40.00	Radioactive elements, isotopes, compounds nesoi; alloys, dispersions, ceramic products and mixtures of these products; radioactive residues.
2844.50.00	Spent (irradiated) fuel elements (cartridges) of nuclear reactors.
2903.21.00	Vinyl chloride (Chloroethylene).
2903.39.20	Fluorinated, brominated or iodinated derivatives of acyclic hydrocarbons, nesoi.
2903.77.00	Other acyclic hydrocarbon derivatives, perhalogenated only with flourine and chlorine.
2903.79.10	Bromochloromethane.
2903.89.05	Dibromoethyldibromocyclohexane.
2903.89.11	Halogenated pesticides derived in whole or in part from benzene or other aromatic hydrocarbon, nesoi.
2903.89.31	Chlorinated, but not otherwise halogenated derivatives of cyclanic, cyclenic or cycloterpenic hydrocarbons.
2903.93.00	Halogenated derivatives of aromatic hydrocarbons, pentachlorobenzene.
2903.99.05	3-Bromo-alpha,alpha,alpha-trifluorotoluene; and other specified halogenated derivatives of aromatic hydrocarbons.
2903.99.08	p-Chlorobenzotrifluoride; and 3,4-Dichlorobenzotrifluoride.
2903.99.15	Triphenylmethyl chloride.
2903.99.80	Other halogenated derivatives of aromatic hydrocarbons, nesoi.
2905.43.00	Mannitol.
2905.44.00	D-glucitol (Sorbitol).
2905.45.00	Glycerol.
2907.29.10	Pyrogallic acid.
2908.19.15	3-Hydroxy-alpha,alpha,alpha-trifluorotoluene.
2908.99.06	4-Hydroxy-1-naphthalenesulfonic acid.
2908.99.25	Nitrophenols, except p-nitrophenol.
2909.30.07	Decabromodiphenyl oxide; and octabromodiphenyl oxide.
2909.30.09	Bis-(tribromophenoxy)ethane; pentabromodiphenyl oxide; and tetradecabromodiphenoxy benzene.
2909.30.10	6-tert-Butyl-3-methyl-2,4-dinitroanisole (Musk ambrette) and other artificial musks.
2909.30.30	Pesticides, of aromatic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives.
2912.19.40	Isobutanal.
2912.41.00	Vanillin (4-Hydroxy-3-methoxybenzaldehyde).
2914.69.60	1,4-Dihydroxyanthraquinone; and 2-ethylanthraquinone.
2914.69.90	Quinones, nesoi.
2914.79.40	Other halogenated, sulfonated, nitrated, etc derivatives of aromatic ketones and quinones whether or not with other oxygen function.
2915.39.35	Aromatic esters of acetic acid, nesoi.
2915.40.20	Aromatic salts and esters of chlorocetic acids, described in additional U.S. note 3 to section VI.
2916.34.15	Odoriferous or flavoring compounds of phenylacetic acid and its salts.
2916.34.25	Phenylacetic acid salts, nesoi, described in additional US note 3 to section VI.
2916.39.08	4-Chloro-3-nitrobenzoic acid.
2916.39.12	4-Chloro-3,5-dinitrobenzoic acid and its esters.
2916.39.79	Other aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives.
2917.19.30	Ethylene brassylate.
2917.19.70	Acyclic polycarboxylic acids and derivative (excluding plasticizers).
2917.39.08	Naphthalic anhydride.
2917.39.17	Tetrabromophthalic anhydride.
2918.19.20	Aromatic carboxylic acids with alcohol function, w/o other oxygen functions, and their derivatives, described in add. U.S. note 3 to sec. VI.
2918.19.31	Aromatic carboxylic acids with alcohol function, without other oxygen functions, and their derivatives, nesoi.
2918.29.25	3-Hydroxy-2-naphthoic acid.
2918.99.06	1-Hydroxy-6-octadecyloxy-2-naphthalenccarboxylic acid; and 1-hydroxy-6-docosyloxy-2-naphthalene carboxylic acid.
2918.99.20	Aromatic pesticides, derived from carboxylic acids with additional oxygen function, and their derivatives, nesoi.
2918.99.35	Odoriferous or flavoring compounds of carboxylic acids with additional oxygen function, and their derivatives, nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
2918.99.47	Other aromatic carboxylic acids with add'l oxygen function and their anhydrides, halide, etc deriv (exclud goods in add US note 3 to sec VI).
2918.99.50	Nonaromatic carboxylic acids with additional oxygen function, and their derivatives, nesoi.
2920.22.00	Diethyl phosphite.
2920.90.51	Nonaromatic esters of inorganic acids of nonmetals and their salts and derivatives, excluding esters of hydrogen halides, nesoi.
2921.12.01	2-(N,N-Dimethylamino)ethyl chloride hydrochloride.
2921.42.10	N,N-Dimethylaniline.
2921.42.18	o-Aminobenzenesulfonic acid; 6-chlorometanilic acid; 2-chloro-5-nitroaniline; 4-chloro-3-nitroaniline; dichloroanilines; and other specified.
2921.42.55	Fast color bases of aniline derivatives and their salts.
2921.42.65	Aniline derivatives and their salts of products in additional U.S. note 3 to section VI.
2921.45.60	Aromatic monoamines and their derivatives and salts described in additional US note 3 to section VI, nesoi.
2921.49.15	m-Nitro-p-toluidine.
2921.51.20	Photographic chemicals of o-, m-, p-phenylenediamine, diaminotoluenes, and their derivatives, and salts thereof.
2922.21.40	Aminohydroxynaphthalene sulfonic acids and their salts of products described in additional US note 3 to section VI.
2922.29.06	m-Nitro-p-anisidine and m-nitro-o-anisidine as fast color bases.
2922.29.15	m-Diethylaminophenol; m-dimethylaminophenol; 3-ethylamino-p-cresol; and 5-methoxy-m-phenylenediamine.
2922.39.10	2'-Aminoacetophenone & other specified aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function.
2924.21.18	sym-Diethyldiphenylurea.
2924.29.03	3,5-Dinitro-o-toluamide.
2924.29.23	4-Aminoacetanilide; 2–2-oxamidobis[ethyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate]; and other specified cyclic amide chemicals.
2924.29.26	3-Aminomethoxybenzanilide.
2925.19.10	Ethylenebistetrabromophthalimide.
2925.29.70	Tetramethylguanidine.
2926.90.08	Benzonitrile.
2926.90.12	Other dichlorobenzonitriles.
2926.90.19	N,N-Bis(2-cyanoethyl)aniline; and 2,6-diflourobenzonitrile.
2926.90.21	Aromatic fungicides of nitrile-function compounds.
2926.90.23	3,5-Dibromo-4-hydroxybenzonitrile (Bromoxynil).
2929.10.30	3,4-Dichlorophenylisocyanate.
2929.10.80	Other isocyanates, nesoi.
2930.20.70	S-(2,3,3-trichloroallyl)diisopropylthiocarbamate.
2930.30.30	Tetramethylthiuram monosulfide.
2930.70.00	Bis(2-hydroxyethyl)sulfide (thiodiglycol (INN)).
2930.80.00	Aldicarb (ISO), captafol (ISO) and methamidophos (ISO).
2930.90.24	N-Cyclohexylthiophthalimide.
2930.90.71	Dibutylthiourea.
2931.33.00	Diethyl ethylphosphonate.
2931.39.00	Other organo-phosphorous derivatives, nesoi.
2931.90.05	Diphenyldichlorosilane; and phenyltrichlorosilane.
2931.90.15	Sodium tetraphenylboron.
2931.90.26	Pesticides of aromatic organo-inorganic (except organo-sulfur) compounds.
2932.14.00	Sucralose.
2932.91.00	Isosafrole.
2932.99.04	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb).
2932.99.55	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (Dimethylbenzylidene sorbitol); and Rhodamine 2C base.
2933.19.04	Aminoethylphenylpyrazole (phenylmethylaminopyrazole); 3-methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-tolylmethylpyrazolone).
2933.69.60	Other compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure.
2934.10.70	4,5-Dichloro-2-n-octyl-4-isothiazolin-3-one; thiothiamine hydrochloride; and 4 other specified chemicals.
2934.20.05	N-tert-Butyl-2-benzothiazolesulfenamide.
2934.20.80	Other compounds containing a benzothiazole ring system (whether or not hydrogenated), not further fused.
2940.00.20	D-Arabinose.
3204.11.15	Disperse blue 30 and preparations based thereon.
3204.15.10	Vat blue 1 (synthetic indigo) dye, ''Colour Index No. 73000'' and preparations based thereon.
3204.15.80	Vat dyes (including those usable in that state as pigments) and preparations based thereon, nesoi.
3204.19.40	Synthetic organic coloring matter and preparations based thereon, nesoi, described in additional U.S. note 3 to section VI.
3204.20.40	Benzoxazol.
3301.12.00	Essential oils of orange.
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.

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SECTION 1

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HTS subheading	Product description
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.
3302.10.10	Mixtures of odoriferous substances, mixtures with a basis of these substances, used in the food or drink industries, not containing alcohol.
3302.10.20	Mixtures of or with a basis of odoriferous substances, used in the food or drink industries, not over 20 percent alcohol by weight.
3302.10.40	Mixtures of/with basis of odoriferous substances,with 20% to 50% alcohol by weight, needs only addn of ethyl alcohol or water to be beverage.
3302.10.50	Mixtures of/with basis of odoriferous substances,over 50% of alcohol by weight, requiring only addn of ethyl alcohol or water to be beverage.
3302.10.90	Mixtures of or with a basis of odoriferous substances, used in the food or drink industries, over 20 percent of alcohol by weight, nesoi.
3306.20.00	Yarn used to clean between the teeth (dental floss).
3401.19.00	Soap; organic surface-active products used as soap, in bars, cakes, pieces; soap-impregnated paper, wadding, felt, not for toilet use.
3406.00.00	Candles, tapers and the like.
3501.10.10	Casein, milk protein concentrate.
3501.10.50	Casein, other than milk protein concentrate.
3501.90.20	Casein glues.
3501.90.60	Caseinates and other casein derivatives, nesoi.
3502.19.00	Egg albumin, other than dried.
3502.20.00	Milk albumin, including concentrates of two or more whey proteins.
3503.00.10	Fish glue.
3503.00.20	Inedible gelatin and animal glue valued under 88 cents per kg.
3503.00.40	Inedible gelatin and animal glue valued 88 cents or more per kg.
3503.00.55	Gelatin sheets and derivatives, nesoi; isinglass; other glues of animal origin, nesoi.
3504.00.10	Protein isolates.
3504.00.50	Peptones and their derivatives; protein substances and their derivatives, nesoi; hide powder.
3505.10.00	Dextrins and other modified starches.
3505.20.00	Glues based on starches or on dextrins or other modified starches.
3601.00.00	Propellant powders.
3602.00.00	Prepared explosives, other than propellant powders.
3603.00.30	Safety fuses or detonating fuses.
3603.00.60	Percussion caps.
3603.00.90	Detonating caps, igniters or electric detonators.
3604.10.10	Display or special fireworks (Class 1.3G).
3604.10.90	Fireworks, nesoi.
3604.90.00	Signaling flares, rain rockets, fog signals and other pyrotechnic articles, excluding fireworks.
3605.00.00	Matches, other than pyrotechnic articles of heading 3604.
3606.90.30	Ferrocerium and other pyrophoric alloys in all forms.
3606.90.40	Metaldehyde.
3606.90.80	Articles of combustible materials as specified in note 2 of chap. 36, nesoi.
3808.52.00	DDT (ISO) (clofenatone (INN)), in packings of a net weight content not exceeding 300 g.
3808.59.10	Pesticides containing any aromatic or modified aromatic specified in note 1 to chapter 38.
3808.59.50	Pesticides, nesoi specified in note 1 to chapter 38.
3808.61.50	Pesticides, nesoi , not exceeding 300g, specified in note 2 to chapter 38.
3809.10.00	Finishing agents, dye carriers and like products, nesoi, with a basis of amylaceous substances.
3820.00.00	Antifreezing preparations and prepared de-icing fluids.
3823.11.00	Stearic acid.
3823.12.00	Oleic acid.
3823.13.00	Tall oil fatty acids.
3823.19.20	Industrial monocarboxylic fatty acids or acid oils from refining derived from coconut, palm-kernel, or palm oil.
3823.19.40	Industrial monocarboxylic fatty acids or acid oils from refining, nesoi.
3823.70.20	Oleyl alcohol derived from fatty substances of animal or vegetable origin.
3823.70.40	Industrial fatty alcohols, other than oleyl, derived from fatty substances of animal or vegetable origin.
3823.70.60	Industrial fatty alcohols other than derived from fatty substances of animal or vegetable origin.
3824.60.00	Sorbitol other than that of subheading 2905.44.
3824.99.36	Mixture of vanadium.
3825.10.00	Municipal waste.
3825.20.00	Sewage sludge.
3825.30.00	Clinical waste.
3913.10.00	Alginic acid, and its salts and esters, in primary forms.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
3922.10.00	Baths, shower baths and washbasins, of plastics.
3922.20.00	Lavatory seats and covers, of plastics.
3924.10.10	Salt, pepper, mustard and ketchup dispensers and similar dispensers, of plastics.
3924.10.20	Plates, cups, saucers, soup bowls, cereal bowls, sugar bowls, creamers, gravy boats, serving dishes and platters, of plastics.
3924.10.30	Trays, of plastics.
3924.10.40	Tableware and kitchenware articles, nesoi, of plastics.
3924.90.05	Nursing nipples and finger cots.
3924.90.10	Curtains and drapes, incl. panels and valances, napkins, table covers, mats, scarves, runners, doilies, and like furnishings, of plastics.
3924.90.20	Picture frames of plastics.
3924.90.56	Household articles and toilet articles, nesoi, of plastics.
3925.20.00	Doors, windows, and their frames and thresholds for doors, of plastics.
3925.30.10	Blinds (including venetian blinds), of plastics.
3925.30.50	Shutters and similar articles and parts thereof, nesoi, of plastics.
3926.10.00	Office or school supplies, of plastics.
3926.20.10	Gloves, seamless, of plastics.
3926.20.40	Gloves, nesoi, of plastics.
3926.30.10	Handles and knobs for furniture, coachwork or the like, of plastics.
3926.30.50	Fittings for furniture, coachwork or the like, other than handles and knobs, of plastics.
3926.40.00	Statuettes and other ornamental articles, of plastics.
3926.90.10	Buckets and pails, of plastics , nesoi.
3926.90.16	Pacifiers.
3926.90.21	Specified sanitary, invalid and nursing products, and fittings therefor, of plastics.
3926.90.25	Handles and knobs, not used as fittings for furniture, coachwork or the like, of plastics.
3926.90.33	Handbags made of beads, bugles and spangles, of plastics.
3926.90.35	Beads, bugles and spangles, not strung or set; articles thereof, nesoi, of plastics.
3926.90.40	Imitation gemstones, of plastics.
3926.90.48	Photo albums.
3926.90.50	Frames or mounts for photographic slides, of plastics.
3926.90.65	Clothespins, spring type, of plastics.
3926.90.70	Clothespins, other than spring type, of plastics.
3926.90.75	Pneumatic mattresses and other inflatable articles, nesoi, of plastics.
3926.90.77	Waterbed mattresses and liners and parts of the foregoing, of plastics.
3926.90.85	Fasteners, in clips suitable for use in a mechanical attaching device, of plastics.
3926.90.99	Other articles of plastic, nesoi.
4006.10.00	''Camel-back'' strips of unvulcanized rubber, for retreading rubber tires.
4009.12.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, not reinforced or combined w/other materials, with fittings.
4009.42.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined with other materials nesoi, with fittings.
4010.11.00	Conveyor belts or belting of vulcanized rubber reinforced only with metal.
4012.19.80	Retreaded pneumatic tires (nonradials), of rubber, not elsewhere specified or included.
4015.19.05	Medical gloves of vulcanized rubber other than hard rubber.
4016.92.00	Erasers, of noncellular vulcanized rubber other than hard rubber.
4016.95.00	Inflatable articles nesoi, of noncellular vulcanized rubber other than hard rubber.
4016.99.05	Household articles nesoi, of noncellular vulcanized rubber other than hard rubber.
4016.99.10	Handles and knobs, of noncellular vulcanized rubber other than hard rubber.
4016.99.15	Caps, lids, seals, stoppers and other closures, of noncellular vulcanized rubber other than hard rubber.
4016.99.20	Toys for pets made of noncellular vulcanized rubber other than hard rubber.
4101.20.10	Whole raw hide/skin of bovine/equines (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), not pretanned.
4101.20.20	Whole bovine hides/skin upper/lining (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), n/o 2.6 m2, nesoi.
4101.20.30	Whole bovine hides/skin nesoi (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), n/o 2.6 m2, nesoi.
4101.20.35	Whole raw buffalo hides/skins (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), over 2.6 m2, nesoi.
4101.20.40	Whole bovine hides/skins (not buffalo) (n/o 8 kg dried, 10 kg dry salted or 16 kg fresh/otherwise preserved), ov 2.6 m2, vegetable pretanned.
4101.20.50	Whole bovine hide/skin (not buffalo) (n/o 8 kg dried, 10 kg dry salted or 16 kg fresh/otherwise preserved), ov 2.6 m2, not vegetable pretann.
4101.20.70	Whole equine hides and skins (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), other than not pretanned.
4101.50.10	Whole raw hides and skins of bovine or equine animals, of a weight exceeding 16 kg, not pretanned.
4101.50.20	Whole raw bovine hides and skins upper/lining, of a weight over 16 kg, unit surface area n/o 2.6 m2, pretanned but not further prepared.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
4101.50.30	Whole raw bovine hides and skins, of a weight over 16 kg, unit surface area n/o 2.6 sq m, pretanned but not further prepared.
4101.50.35	Whole raw buffalo hidess and skins, of a weight over 16 kg, surface area over 2.6 sq m, pretanned but not further prepared,.
4101.50.40	Whole raw bovine hides and skins (not buffalo), weight over 16 kg, surface area over 2.6 m2, vegetable pretanned but not further prepared.
4101.50.50	Whole raw bovine hides/skins (not buffalo), weight over 16 kg, surface area over 2.6 m2, pretanned (not vegetable) but not further prepared.
4101.50.70	Whole raw equine hides and skins, of a weight exceeding 16 kg, pretanned but not further prepared.
4101.90.10	Raw hides and skins (other than whole) of bovine or equine animals, not pretanned.
4101.90.35	Raw buffalo hides and skins (other than whole), pretanned but not further prepared.
4101.90.40	Raw bovine hides and skins (other than whole), vegetable pretanned but not further prepared.
4101.90.50	Raw bovine hides and skins (other than whole), pretanned (other than vegetable pretanned) but not further prepared.
4101.90.70	Raw equine hides and skins (other than whole), pretanned but further prepared.
4102.10.10	Raw skins of sheep or lambs (not excluded by note 1(c) to chapter 41), with wool on, not pretanned.
4102.10.20	Raw skins of sheep or lamb (not excluded by note 1(c) to chapter 41), with wool on, vegetable pretanned but not further prepared.
4102.10.30	Raw skins of sheep or lamb (not excluded by note 1(c) to chapter 41), with wool on, pretanned other than vegetable but not further prepared.
4102.21.00	Raw skins of sheep or lambs, without wool on, pickled, other than those excluded by note 1(c) to chapter 41.
4102.29.10	Raw skins of sheep or lamb (not excluded by note 1(c) to chapter 41), without wool on, not pretanned.
4102.29.20	Raw sheep or lamb skins (not excluded by note 1(c) to chapter 41), without wool on, vegetable pretanned but not further prepared.
4102.29.30	Raw sheep or lamb skins (not excluded by note 1(c) to chapter 41), without wool on, pretanned other than vegetable but not further prepared.
4103.20.10	Raw hides and skins of reptiles, not pretanned.
4103.20.20	Raw hides and skins of reptiles, vegetable pretanned but not further prepared.
4103.20.30	Raw hides and skins of reptiles, pretanned other than vegetable pretanned but not further prepared.
4103.30.10	Raw hides and skins of swine, not pretanned.
4103.30.20	Raw hides and skins of swine, pretanned but not further prepared.
4103.90.11	Raw hides and skins of deer, goats, kids and animals nesoi (other than those excluded by note 1(b) or 1(c) to chapter 41), not pretanned.
4103.90.12	Raw hides and skins of goats or kids (not excluded by note 1(c) to chapter 41), vegetable pretanned but not further prepared.
4103.90.13	Raw hides and skins of goat or kid (not excluded by note 1(c) to chapter 41), pretanned (other than vegetable) but not prepared.
4103.90.20	Raw hides and skins of animals nesoi (other than those excluded by note 1(b) or 1(c) to chapter 41), pretanned but not further prepared.
4115.20.00	Parings & other waste of leather or composition leather, not suitable for the manufacture of leather articles; leather dust, powder & flour.
4301.10.00	Raw furskins of mink, whole, with or without head, tail or paws.
4301.30.00	Raw lamb furskins of Astrakhan, Broadtail, Caracul, Persian, Indian, Chinese, Mongolian, Tibetan, whole.
4301.60.30	Raw furskins of silver, black or platinum fox (including mutations of these), whole, with or without head, tail or paws.
4301.60.60	Raw furskins of fox, other than of silver, black or platinum fox, whole, with or without head, tail or paws.
4301.80.02	Other furskins, whole, with or without head, tail, or paws.
4301.90.00	Heads, tails, paws and other pieces or cuttings of raw furskins, suitable for furriers' use.
4414.00.00	Wooden frames for paintings, photographs, mirrors or similar objects.
4417.00.20	Wooden broom and mop handles, 1.9 cm or more in diameter and 97 cm or more in length.
4417.00.40	Wooden paint brush and paint roller handles.
4419.11.00	Bread boards, chopping boards and similar boards of bamboo.
4419.12.00	Chopsticks of bamboo.
4419.19.10	Forks and spoons of bamboo.
4419.19.90	Tableware and kitchenware of bamboo, other than bread boards, chopping boards and similar boards, chopsticks , forks, spoons.
4419.90.10	Forks and spoons of wood, other than of bamboo.
4419.90.90	Tableware and kitchenware of wood other than of bamboo, other than bread boards, chopping boards and similar boards, chopsticks , forks, spoons.
4420.10.00	Wooden statuettes and other wood ornaments.
4420.90.20	Wooden cigar and cigarette boxes.
4421.10.00	Wooden clothes hangers.
4421.91.30	Blinds, shutters, screens and shades of bamboo, with wooden frames having fixed louver boards or slats in the center.
4421.91.40	Blinds, shutters, screens and shades of bamboo, with wooden frames w/o fixed louver boards or slats in the center.
4421.91.50	Toothpicks of bamboo.
4421.91.60	Skewers, candy sticks, ice cream sticks, tongue depressors, drink mixers and similar wares, other than toothpicks, of bamboo.
4421.91.80	Spring-type clothespins of bamboo.
4421.91.85	Clothespins other than spring-type, of bamboo.
4421.91.88	Canoe paddles of bamboo.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
4421.99.30	Blinds, shutters, screens and shades of wood other than bamboo, with wooden frames having fixed louver boards or slats in the center.
4421.99.40	Blinds, shutters, screens and shades of wood other than bamboo, with wooden frames w/o fixed louver boards or slats in the center.
4421.99.50	Toothpicks of wood other than of bamboo.
4421.99.60	Skewers, candy sticks, ice cream sticks, tongue depressors, drink mixers and similar wares, other than toothpicks, of wood other than bamboo.
4421.99.80	Spring-type clothespins of wood other than of bamboo.
4421.99.85	Clothespins other than spring-type, of wood other than of bamboo.
4421.99.88	Canoe paddles of wood other than of bamboo.
4814.20.00	Wallpaper and similar wallcoverings of paper, coated or covered on the face side with a layer of plastics.
4814.90.02	Other wallpaper and similar wallcoverings, nesoi; window transparencies of paper, nesoi.
4818.90.00	Bedsheets and similar household, sanitary or hospital articles of paper, cellulose wadding or webs of cellulose fibers, nesoi.
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded.
4901.91.00	Printed dictionaries and encyclopedias and serial installments thereof.
4901.99.00	Printed books, brochures, leaflets and similar printed matter, other than in single sheets.
4902.10.00	Newspapers, journals and periodicals, appearing at least four times a week.
4902.90.10	Newspaper supplements printed by a gravure process.
4902.90.20	Newspaper, journals and periodicals, except those appearing at least four times a week.
4903.00.00	Children's picture, drawing or coloring books.
4904.00.00	Music, printed or in manuscript, whether or not bound or illustrated.
4905.10.00	Globes, printed.
4905.91.00	Maps and hydrographic or similar charts of all kinds, including atlases and topographical plans, printed in book form.
4905.99.00	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps and topographical plans, printed, in other than book form.
4906.00.00	Hand-drawn original plans and drawings; hand-written texts; photo reproductions on sensitized paper and carbon copies of the foregoing.
4907.00.00	Unused stamps of current or new issue in country to which destined; stamp-impressed paper; check forms; documents of title, etc.
4908.10.00	Transfers (decalcomanias), vitrifiable.
4908.90.00	Transfers (decalcomanias), not vitrifiable.
4909.00.20	Postcards, printed or illustrated.
4909.00.40	Printed cards (except postcards) bearing personal greetings, messages or announcements, with or without envelopes or trimmings.
4910.00.20	Calendars printed on paper or paperboard in whole or in part by a lithographic process, not over 0.51 mm in thickness.
4910.00.40	Calendars printed on paper or paperboard in whole or in part by a lithographic process, over 0.51 mm in thickness.
4910.00.60	Printed calendars, including calendar blocks, printed on paper or paperboard by other than a lithographic process.
4911.10.00	Printed trade advertising material, commercial catalogs and the like.
4911.91.10	Pictures, designs and photographs, printed over 20 years at time of importation.
4911.91.15	Pictures, designs and photographs printed not over 20 years at time of importation, used in production of articles of heading 4901.
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.
4911.99.20	Printed international customs forms (carnets), and parts thereof, in English or French, (whether or not in additional languages).
4911.99.60	Printed matter, nesoi, printed on paper in whole or in part by a lithographic process.
4911.99.80	Printed matter, nesoi.
5210.11.40	Unbleached plain weave fabrics of cotton, < 85% cotton, mixed mainly/solely with man-made fibers, wt < 200 g/m2, of number 42 or lower.
5210.11.60	Unbleached plain weave fabrics of cotton, < 85% cotton, mixed mainly/solely with man-made fibers, wt < 200 g/m2, of numbers 43–68.
5210.19.10	Unbleached 3- or 4-thread twill fabrics of cotton, incl. cross twill, < 85% cotton by wt, mixed mainly/solely with mm fibers, n/o 200 g/m2.
5308.90.90	Yarn of other vegetable textile fibers, nesoi.
5402.20.60	Multiple (folded) or cabled high tenacity yarn (except sewing thread) of polyesters, not put up for retail sale.
5407.54.00	Woven fabrics, containing 85 percent or more by weight of textured polyester filaments, printed.
5504.10.00	Artificial staple fibers, not carded, combed or otherwise processed for spinning, of viscose rayon.
5513.21.00	Woven fabrics of polyester staple fibers, < 85% polyester staple fibers, mixed mainly/solely w/cotton, not over 170 g/m2, plain weave, dyed.
5801.31.00	Uncut weft pile fabrics of man-made fibers, other than fabrics of heading 5802 or 5806.
5801.32.00	Cut corduroy of man-made fibers, other than fabrics of heading 5802 or 5806.
5801.33.00	Weft pile fabrics of man-made fibers, cut, other than fabrics of heading 5802 or 5806, nesoi.
5801.36.00	Chenille fabrics of man-made fibers, other than fabrics of heading 5802 or 5806.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
5903.10.15	Textile fabric spec in note 9 to sect XI, of man-made fibers, impreg, coated, covered or laminated w/polyvinyl chloride, over 60% plastics.
6001.22.00	Knitted or crocheted looped pile fabrics of man-made fibers.
6005.35.00	Wrap knit fabrics of synthetic fibers,specified in subheading note 1 to this chapter excluding headings 6001 to 6004.
6005.41.00	Unbleached or bleached warp knit fabrics (including made on galloon knitting machines) of artificial fiber, other than headings 6001 to 6004.
6006.24.90	Printed knitted or crocheted fabrics of cotton, nesoi.
6006.41.00	Unbleached or bleached knitted or crocheted fabrics of artificial fibers, nesoi.
6101.20.00	Men's or boys' overcoats, carcoats, capes, cloaks, anoraks, windbreakers and similar articles, knitted or crocheted, of cotton.
6101.30.10	Men's or boys' overcoats, carcoats, capes and like articles knitted or crocheted, of man-made fibers, 25% or more by weight of leather.
6101.30.15	Men's or boy's overcoat,etc.,knitted or crocheted, of manmade fibers, containing 23% or more wool or fine animal hair, nesoi.
6101.30.20	Men's or boy's overcoats, carcoats, capes, cloaks, windbreakers and similar articles, knitted or crocheted, of man-made fibers, nesoi.
6101.90.05	Men's or boys' overcoats, carcoats, capes, cloaks, windbreakers and similar articles, knitted or crocheted, of wool or fine animal hair.
6101.90.10	Men's or boys' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont 70% or more wt of silk, knitted or crocheted.
6101.90.90	Men's or boys' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont less than 70% wt silk, knitted or crocheted.
6102.10.00	Women's or girls' overcoats, carcoats, capes, windbreakers and similar articles, knitted or crocheted, of wool or fine animal hair.
6102.20.00	Women's or girls' overcoats, carcoats, capes, cloaks, anoraks, windbreakers and similar articles, knitted or crocheted, of cotton.
6102.30.05	Women's or girls' overcoats, carcoats, etc., knitted or crocheted, of manmade fibers, cont. 25% or more by weight of leather.
6102.30.10	Women's or girls' overcoats, carcoats, etc., knitted or crocheted, of manmade fibers, containing 23% or more of wool or fine animal hair.
6102.30.20	Women's or girls' overcoats, carcoats, capes, windbreakers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6102.90.10	Women's or girls' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont 70% or more wt of silk, knitted or crochet.
6102.90.90	Women's or girls' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont less than 70% wt of silk, knitted/crocheted.
6103.10.10	Men's or boys' suits, knitted or crocheted, of wool or fine animal hair.
6103.10.20	Men's or boys' suits, knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair.
6103.10.30	Men's or boys' suits, knitted or crocheted, of synthetic fibers, nesoi.
6103.10.40	Men's or boys' suits, knitted or crocheted, of artificial fibers, containing 23 percent or more of wool or fine animal hair.
6103.10.50	Men's or boys' suits, knitted or crocheted, of artificial fibers, nesoi.
6103.10.60	Men's or boys' suits, knitted or crocheted, of cotton.
6103.10.70	Men's or boys' suits, of tex mats(ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6103.10.90	Men's or boys' suits, of tex mats (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted or crocheted.
6103.22.00	Men's or boys' ensembles, knitted or crocheted, of cotton.
6103.23.00	Men's or boys' ensembles, knitted or crocheted, of synthetic fibers.
6103.29.05	Men's or boys' ensembles, knitted or crocheted, of wool or fine animal hair.
6103.29.10	Men's or boys' ensembles, knitted or crocheted, of artificial fibers.
6103.29.20	Men's or boys' ensembles, knitted or crocheted, of textile materials nesoi.
6103.31.00	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of wool or fine animal hair.
6103.32.00	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of cotton.
6103.33.10	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, containing 23% or more of wool or fine animal hair.
6103.33.20	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, nesoi.
6103.39.10	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of artificial fibers.
6103.39.40	Men's or boys' suit-type jackets and blazers, of textile mats, (except wool, cotton, or mmf), cont 70% or more by wt of silk, knitted/croc.
6103.39.80	Men's or boys' suit-type jackets and blazers, of textile mats, (except wool, cotton, or mmf), cont less than 70% by wt of silk, knitted/croc.
6103.41.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of wool or fine animal hair.
6103.41.20	Men's or boys' bib and brace overalls, knitted or crocheted, of wool or fine animal hair.
6103.42.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of cotton.
6103.42.20	Men's or boys' bib and brace overalls, knitted or crocheted, of cotton.
6103.43.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of syn. fibers, cont. 23 percent or more of wool or fine animal hair.
6103.43.15	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, nesoi.
6103.43.20	Men's and boys' bib and brace overalls of synthetic fibers, knitted or crocheted.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6103.49.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of artificial fibers.
6103.49.20	Men's or boys' bib and brace overalls, knitted or crocheted, of artificial fibers.
6103.49.40	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of tex mat (except wool, cot or mmf), con 70% or more wt of silk, k/c.
6103.49.80	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of tex mat (except wool, cot or mmf), con under 70% by wt of silk, k/c.
6104.13.10	Women's or girls' suits, knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair.
6104.13.20	Women's or girls' suits, knitted or crocheted, of synthetic fibers, nesoi.
6104.19.10	Women's or girls' suits, knitted or crocheted, of artificial fibers, containing 23 percent or more of wool or fine animal hair.
6104.19.15	Women's or girls' suits, knitted or crocheted, of artificial fibers, nesoi.
6104.19.40	Women's or girls' suits, of tex mats (ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6104.19.50	Women's or girls' suits, knitted or crocheted, of wool or fine animal hair.
6104.19.60	Women's or girls' suits, knitted or crocheted, of cotton.
6104.19.80	Women's or girls' suits, of tex mats (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted or crocheted.
6104.22.00	Women's or girls' ensembles, knitted or crocheted, of cotton.
6104.23.00	Women's or girls' ensembles, knitted or crocheted, of synthetic fibers.
6104.29.05	Women's or girls' ensembles, knitted or crocheted, of wool or fine animal hair.
6104.29.10	Women's or girls' ensembles, knitted or crocheted, of artificial fibers.
6104.29.20	Women's or girls' ensembles, knitted or crocheted, of textile materials nesoi.
6104.31.00	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of wool or fine animal hair.
6104.32.00	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of cotton.
6104.33.10	Women's or girls' suit-type jackets & blazers, knit or crocheted, of synthetic fibers, cont. 23% or more of wool or fine animal hair.
6104.33.20	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, nesoi.
6104.39.10	Women's or girls' suit-type jackets, knitted or crocheted, of artificial fibers.
6104.39.20	Women's or girls' suit-type jackets, knitted or crocheted, of textile materials nesoi.
6104.41.00	Women's or girls' dresses, knitted or crocheted, of wool or fine animal hair.
6104.42.00	Women's or girls' dresses, knitted or crocheted, of cotton.
6104.43.10	Women's or girls' dresses, knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair.
6104.43.20	Women's or girls' dresses, knitted or crocheted, of synthetic fibers, nesoi.
6104.44.10	Women's or girls' dresses, knitted or crocheted, of artificial fibers, containing 23 percent or more of wool or fine animal hair.
6104.44.20	Women's or girls' dresses, knitted or crocheted, of artificial fibers, nesoi.
6104.49.10	Women's or girls' dresses, of textile mats (ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or croc.
6104.49.90	Women's or girls' dresses, of textile mats (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted or croc.
6104.51.00	Women's or girls' skirts and divided skirts, knitted or crocheted, of wool or fine animal hair.
6104.52.00	Women's or girls' skirts and divided skirts, knitted or crocheted, of cotton.
6104.53.10	Women's or girls' skirts & divided skirts, knitted or crocheted, of synthetic fibers, cont. 23% or more of wool or fine animal hair.
6104.53.20	Women's or girls' skirts and divided skirts, knitted or crocheted, of synthetic fibers, nesoi.
6104.59.10	Women's or girls' skirts and divided skirts, knitted or crocheted, of artificial fibers.
6104.59.40	Women's or girls' skirts & divided skirts, of textile mats (ex wool, cotton or mmf), containing 70% or more by wt of silk, knitted or croc.
6104.59.80	Women's or girls' skirts and divided skirts, of textile mats (ex wool, cotton or mmf), containing under 70% by wt of silk, knitted or croc.
6104.61.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, knitted or crocheted, of wool or fine animal hair.
6104.62.10	Women's or girls' bib and brace overalls, knitted or crocheted, of cotton.
6104.62.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of cotton.
6104.63.10	Women's or girls' bib and brace overalls, knitted or crocheted, of synthetic fibers.
6104.63.15	Women's or girls' trousers, etc., knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair.
6104.63.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, nesoi.
6104.69.10	Women's or girls' bib and brace overalls, knitted or crocheted, of artificial fibers.
6104.69.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of artificial fibers.
6104.69.40	Women's or girls' trousers, bib & brace overalls, breeches & shorts, of tex mats (ex wool, cotton or mmf), cont 70% or more wt of silk, k/c.
6104.69.80	Women's or girls' trousers, bib & brace overalls, breeches & shorts, of tex mats (ex wool, cotton or mmf), cont under 70% by wt of silk, k/c.
6105.10.00	Men's or boys' shirts, knitted or crocheted, of cotton.
6105.20.10	Men's or boys' shirts, knitted or crocheted, of manmade fibers, containing 23 percent or more of wool or fine animal hair.
6105.20.20	Men's or boys' shirts, knitted or crocheted, of manmade fibers, nesoi.
6105.90.10	Men's or boys' shirts, knitted or crocheted, of wool or fine animal hair.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6105.90.40	Men's or boys' shirts, of textile materials (ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted/croch.
6105.90.80	Men's or boys' shirts, of textile materials (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted/crochete.
6106.10.00	Women's or girls' blouses and shirts, knitted or crocheted, of cotton.
6106.20.10	Women's or girls' blouses and shirts, knitted or crocheted, of manmade fibers, containing 23 percent or more of wool or fine animal hair.
6106.20.20	Women's or girls' blouses and shirts, knitted or crocheted, of man-made fibers, nesoi.
6106.90.10	Women's or girls' blouses and shirts, knitted or crocheted, of wool or fine animal hair.
6106.90.15	Women's or girls' blouses and shirts, of textile materials (ex wool, cotton or mmf), containing 70% or more weight of silk, knitted or croc.
6106.90.25	Women's or girls' blouses and shirts, of textile materials (ex wool, cotton or mmf), containing under 70% by weight of silk, knitted or croc.
6106.90.30	Women's or girls' blouses and shirts, knitted or crocheted, of textile materials nesoi.
6107.11.00	Men's or boys' underpants and briefs, knitted or crocheted, of cotton.
6107.12.00	Men's or boys' underpants and briefs, knitted or crocheted, of man-made fibers.
6107.19.10	Men's or boys' underpants & briefs, of textile materials (ex cotton or mmf), containing 70% or more by weight of silk or silk waste, k/croc.
6107.19.90	Men's or boys' underpants and briefs, of textile materials (except cotton or mmf), containing under 70% by weight of silk, knitted or croc.
6107.21.00	Men's or boys' nightshirts and pajamas, knitted or crocheted, of cotton.
6107.22.00	Men's or boys' nightshirts and pajamas, knitted or crocheted, of man-made fibers.
6107.29.20	Men's or boys' nightshirts and pajamas, knitted or crocheted, of wool or fine animal hair.
6107.29.50	Men's or boys' nightshirts and pajamas, of textile materials (ex cotton, mmf or wool), containing 70% or more by wt of silk, knitted or croc.
6107.29.90	Men's or boys' nightshirts and pajamas, of textile materials (ex cotton, mmf or wool), containing under 70% by wt of silk, knitted or croc.
6107.91.00	Men's or boys' bathrobes, dressing gowns and similar articles, knitted or crocheted, of cotton.
6107.99.10	Men's or boys' bathrobes, dressing gowns and similar articles, knitted or crocheted, of man-made fibers.
6107.99.20	Men's or boys' bathrobes, dressing gowns and similar articles, knitted or crocheted, of wool or fine animal hair.
6107.99.50	Men's or boys' bathrobes, dressing gowns, & similar articles, of textile materials (except wool), containing 70% or more by wt of silk, k/c.
6107.99.90	Men's or boys' bathrobes, dressing gowns, and similar articles, of textile materials (except wool), containing under 70% by wt of silk, k/c.
6108.11.00	Women's or girls' slips and petticoats, knitted or crocheted, of man-made fibers.
6108.19.10	Women's or girls' slips and petticoats, of textile materials (except mmf), containing 70% or more by weight of silk, knitted or crocheted.
6108.19.90	Women's or girls' slips and petticoats, of textile materials (except mmf), containing under 70% by weight of silk, knitted or crocheted.
6108.21.00	Women's or girls' briefs and panties, knitted or crocheted, of cotton.
6108.22.10	Women's or girls' disposable briefs and panties designed for one-time use, of man-made fibers, knitted or crocheted.
6108.22.90	Women's or girls' briefs and panties (other than disposable), of man-made fibers, knitted or crocheted.
6108.29.10	Women's or girls' briefs and panties (other than disposable), of text materials (other than cotton or mmf) cont 70% or more wt of silk, k/c.
6108.29.90	Women's or girls' briefs and panties (other than disposable), of text mats (other than cotton or mmf) cont under 70% by wt of silk, k/c.
6108.31.00	Women's or girls' nightdresses and pajamas, knitted or crocheted, of cotton.
6108.32.00	Women's or girls' nightdresses and pajamas, knitted or crocheted, of man-made fibers.
6108.39.10	Women's or girls' nightdresses and pajamas, knitted or crocheted, of wool or fine animal hair.
6108.39.40	Women's or girls' nightdresses & pajamas, con. 70% or more by wt of silk or silk waste, knitted or crocheted.
6108.39.80	Women's or girls' nightdresses & pajamas, of textiles (except of cotton/mmf/wool), con. under 70% by wt of silk, knitted or crocheted.
6108.91.00	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of cotton.
6108.92.00	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of man-made fibers.
6108.99.20	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of wool or fine animal hair.
6108.99.50	Women's or girls' bathrobes, negligees, & sim. articles, con. 70% or more by wt of silk or silk waste, knitted or crocheted.
6108.99.90	Women's or girls' bathrobes, negligees, & sim. articles, of textiles (except of cotton/mmf/wool), con under 70% by wt of silk, k/c.
6109.10.00	T-shirts, singlets, tank tops and similar garments, knitted or crocheted, of cotton.
6109.90.10	T-shirts, singlets, tank tops and similar garments, knitted or crocheted, of man-made fibers.
6109.90.15	T-shirts and similar garments, knitted or crocheted, of wool, with long sleeves.
6109.90.40	T-shirts, singlets tanktops & sim garments, of text mat (except cotton, mmf or long sleeve wool garments), cont 70% or more wt of silk, k/c.
6109.90.80	T-shirts, singlets tanktops and sim garments, of text mat (except cotton, mmf or long sleeve wool garments), cont under 70% wt of silk, k/c.
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere.
6110.12.20	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, not wholly of cashmere.
6110.19.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of fine animal hair.
6110.20.10	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, containing 36 percent or more of flax fibers.
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi.
6110.30.10	Sweaters, pullovers, sweatshirts and similar articles, knitted or crocheted, of man-made fibers, cont. 25% or more by weight of leather.
6110.30.15	Sweaters, etc., knitted or crocheted, of manmade fibers, containing 23% or more of wool or fine animal hair.
6110.30.20	Sweaters, pullovers & similar articles, knitted or crocheted, of manmade fibers, containing 30 percent or more of silk or silk waste.
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6110.90.10	Sweaters, pullovers, sweatshirts, vests and similar articles, of text mat (except wool, cotton or mmf), cont 70% or more by wt of silk, k/c.
6110.90.90	Sweaters, pullovers, sweatshirts, vests and sim articles, of text mat (except wool, cotton or mmf), containing under 70% by wt of silk, k/c.
6111.20.10	Babies' blouses and shirts, except those imported as parts of sets, knitted or crocheted, of cotton.
6111.20.20	Babies' T-shirts, singlets and similar garments, except those imported as parts of sets, of cotton.
6111.20.30	Babies' sweaters, pullovers, sweatshirts and similar articles, except those imported as parts of sets, knitted or crocheted, of cotton.
6111.20.40	Babies' dresses, knitted or crocheted, of cotton.
6111.20.50	Babies' trousers, breeches and shorts, except those imported as parts of sets, knitted or crocheted, of cotton.
6111.20.60	Babies' garments and clothing accessories, knitted or crocheted, of cotton, nesoi.
6111.30.10	Babies' trousers, breeches and shorts, except those imported as parts of sets, knitted or crocheted, of synthetic fibers.
6111.30.20	Babies' blouses and shirts, except those imported as parts of sets, knitted or crocheted, of synthetic fibers.
6111.30.30	Babies' T-shirts, singlets and similar garments, except those imported as parts of sets, knitted or crocheted, of synthetic fibers.
6111.30.40	Babies' sweaters, pullovers and similar articles, except those imported as parts of sets, knitted or crocheted, of synthetic fibers.
6111.30.50	Babies' garments and clothing accessories, knitted or crocheted, of synthetic fibers, nesoi.
6111.90.05	Babies' garments and clothing accessories, knitted or crocheted, of wool or fine animal hair.
6111.90.10	Babies' trousers, breeches and shorts, except those imported as parts of sets, knitted or crocheted, of artificial fibers.
6111.90.20	Babies' blouses and shirts, except those imported as parts of sets, knitted or crocheted, of artificial fibers.
6111.90.30	Babies' T-shirts, singlets and similar garments, except those imported as parts of sets, knitted or crocheted, of artificial fibers.
6111.90.40	Babies' sweaters, sweatshirts, and similar articles, except those imported as parts of sets, knitted or crocheted, of artificial fibers.
6111.90.50	Babies' garments and clothing accessories, knitted or crocheted, of artificial fibers, nesoi.
6111.90.70	Babies garments and clothing accessories, of textile materials (except wool, cotton or mmf), containing 70% or more by weight of silk, k/c.
6111.90.90	Babies garments and clothing accessories, of textile materials (except wool, cotton or mmf), containing under 70% by weight of silk, k/c.
6112.11.00	Track suits, knitted or crocheted, of cotton.
6112.12.00	Track suits, knitted or crocheted, of synthetic fibers.
6112.19.10	Track suits, knitted or crocheted, of artificial fibers.
6112.19.40	Track suits, of textile materials (except cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6112.19.80	Track suits, of textile materials (except cotton or mmf), containing less than 70% by weight of silk or silk waste, knitted or crocheted.
6112.20.10	Ski-suits, knitted or crocheted, of man-made fibers.
6112.20.20	Ski-suits, knitted or crocheted, of textile materials other than man-made fibers.
6112.31.00	Men's or boys' swimwear, knitted or crocheted, of synthetic fibers.
6112.39.00	Men's or boys' swimwear, knitted or crocheted, of textile materials other than synthetic fibers.
6112.41.00	Women's or girls' knitted or crocheted swimwear of synthetic fibers.
6112.49.00	Women's or girls' swimwear, knitted or crocheted, of textile materials other than synthetic fibers.
6113.00.10	Garments nesoi, made up of k/c fabrics of 5903, 5906 or 5907, w an outer surf impreg, coated, cov, or lam w rub/p mat which obscures the fab.
6113.00.90	Garments nesoi, made up of k/c fabrics of 5903, 5906 or 5907, not impreg, coated, covered, or laminated w rubber or plastics materials.
6114.20.00	Garments nesoi, knitted or crocheted, of cotton.
6114.30.10	Tops, knitted or crocheted, of man-made fibers.
6114.30.20	Bodysuits and bodyshirts, knitted or crocheted, of man-made fibers.
6114.30.30	Garments nesoi, knitted or crocheted, of man-made fibers.
6114.90.05	Garments nesoi, knitted or crocheted, of wool or fine animal hair.
6114.90.10	Other garments nesoi, of textile materials (except wool, cotton or mmf), contain 70% or more by weight of silk or silk waste, knitted/croch.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6114.90.90	Other garment, nesoi, of textile materials (except wool, cotton or mmf), containing under 70% by wt of silk or silk waste, knitted/crocheted.
6115.10.10	Graduated compression panty hose and tights (not for orthopedic treatment), of synthetic fibers.
6115.10.15	Graduated compression panty hose and tights (not for orthopedic treatment), of textile materials except synthetic fibers.
6115.10.30	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), of cotton.
6115.10.40	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), of synthetic fibers.
6115.10.55	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), of artificial fibers.
6115.10.60	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), nesoi.
6115.21.00	Panty hose and tights (not graduated compression), knitted or crocheted, of synthetic fibers, measuring per single yarn less than 67 decitex.
6115.22.00	Panty hose and tights (not graduated compression), knitted or crocheted, of synthetic fibers, measuring per single yarn 67 decitex or more.
6115.29.40	Panty hose (not graduated compressoin) and tights, containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6115.29.80	Panty hose (not surgical) and tights, of textile materials nesoi, knitted or crocheted.
6115.30.10	Women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex containing 70% or more by wt of silk, knit/croc.
6115.30.90	Women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex containing under 70% by wt of silk, knitted/croc.
6115.94.00	Hosiery nesoi, knitted or crocheted, of wool or fine animal hair.
6115.95.60	Stockings, socks, etc. (not surgical), knitted or crocheted, of cotton, containing lace or net.
6115.95.90	Stockings, socks, etc. nesoi (not surgical and not containing lace or net), knitted or crocheted, of cotton.
6115.96.60	Stockings, socks, etc. nesoi, knitted or crocheted, of synthetic fibers, containing lace or net.
6115.96.90	Stockings, socks, etc. nesoi, knitted or crocheted, of synthetic fibers (not containing lace or net).
6115.99.14	Hosiery nesoi, of artificial fibers, containing lace or net.
6115.99.19	Hosiery nesoi, knitted or crocheted, of artificial fibers, other than those containing lace or net.
6115.99.40	Stockings and other hosiery, including footwear without applied soles, of textile materials (except mmf), cont 70% or more by wt of silk, k/c.
6115.99.90	Stockings and other hosiery, including footwear without applied soles, of textile materials (except mmf), cont under 70% by wt of silk, knitt.
6116.10.05	Ice hockey and field hockey gloves, knitted or crocheted, impregnated, coated or covered with plastics or rubber.
6116.10.08	Other gloves, mittens and mitts, the foregoing specially designed for sports use, incl. ski and snowmobile gloves, mittens and mitts.
6116.10.13	Gloves, mittens & mitts, w/o four., k/c, coated w. plastics/rubber nesoi, cut & sewn, of veg. fibers, cont. > 50% by wt. of plastics/rubber.
6116.10.17	Gloves, mittens & mitts, w/o four., k/c, coated w. plastics/rubber, nesoi, cut & sewn, of veg. fibers, cont. 50% or less wt. of plas./rub.
6116.10.44	Gloves, mittens & mitts (excl sports), impreg etc, cut & sewn from pre-exist non-veg fib impreg fab, w/o fourch, con ov 50% wt plast/rub k/c.
6116.10.48	Gloves, mittens & mitts (excl sports), impreg etc, cut & sewn from pre-exist non-veg fib impreg fab, w/o fourch, con < 50% wt pla/rub k/c.
6116.10.55	Gloves, mittens & mitts (excl ports), impreg etc, not cut & sewn from pre-existing fabric, w/o fourch, con 50% or more wt of tex fibers, k/c.
6116.10.65	Gloves, mittens & mitts (excl sports), impreg etc, not cut & sewn from pre-existing fabric, w/o fourch, cont < 50% by wt of text fib, k/c.
6116.10.75	Gloves, mittens & mitts (excl sports), impreg etc, not cut & sewn from pre-existing fabric, with fourch, con 50% or more wt of text fib, k/c.
6116.10.95	Gloves, mittens & mitts (excl sports), impreg etc, not cut & sewn from pre-existing fab, w fourch, cont < 50% by wt of textile fiber, k/c.
6116.91.00	Gloves, mittens and mitts, knitted or crocheted, of wool or fine animal hair.
6116.92.05	Ice hockey and field hockey gloves, knitted or crocheted, of cotton, not impregnated, coated or covered with plastics or rubber.
6116.92.08	Gloves, etc., specially designed for sports, including ski and snowmobile gloves, mittens and mitts, knitted or crocheted, of cotton.
6116.92.64	Gloves, mittens & mitts, (excl. ski or snowmobile), knitted or crocheted, of cotton, made from a pre-existing machine knit fabric, w/o four.
6116.92.74	Gloves, mittens & mitts (excl. ski or snowmobile), k/c, of cotton, from a pre-existing machine knit fabric, with fourchettes.
6116.92.88	Gloves, mittens & mitts, (excl. ski or snowmobile), k/c, of cotton, not made from a pre-existing machine knit fabric, w/o fourchettes.
6116.92.94	Gloves, mittens & mitts, of cotton, k/c, not impreg. etc. with plas./rub., not from pre-ex. mach. knit fabric, not for sports, with four.
6116.93.05	Ice hockey and field hockey gloves, knitted or crocehted, of synthetic fibers, not impregnated, coated or covered with plastics or rubber.
6116.93.08	Gloves, mittens & mitts, for sports use, (incl. ski and snowmobile gloves, etc.), of synthetic fibers.
6116.93.64	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fiber, cont. 23% or more wt. of wool etc., w/o four.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6116.93.74	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fibers, cont. 23% or more wt. of wool etc., with four.
6116.93.88	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fibers, under 23% by wt. of wool etc., w/o fourchettes.
6116.93.94	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fibers, under 23% by wt. of wool etc., with fourchettes.
6116.99.20	Ice hockey and field hockey gloves, knitted or crocheted, of artificial fibers, not impregnated, coated or covered with plastics or rubber.
6116.99.35	Gloves, mittens & mitts specially designed for sports, including ski and snowmobile gloves, mittens and mitts, of artificial fibers.
6116.99.48	Gloves, mittens & mitts (excl. those designed for sports etc.), knitted/crocheted, of artificial fibers, without fourchettes.
6116.99.54	Gloves, mittens & mitts (excl. those designed for sports etc.), knitted or crocheted, of artificial fibers, with fourchettes.
6116.99.75	Gloves, mittens and mitts, of textile materials (except wool, cotton or mmf), containing 70% or more by wt of silk or silk waste, knit/croc.
6116.99.95	Gloves, mittens and mitts, of textile materials (except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knit/croc.
6117.10.10	Shawls, scarves, mufflers, mantillas, veils and the like, knitted or crocheted, of wool or fine animal hair.
6117.10.20	Shawls, scarves, mufflers, mantillas, veils and the like, knitted or crocheted, of man-made fibers.
6117.10.40	Shawls, scarves, etc., knitted or crocheted, containing 70% or more by weight of silk or silk waste.
6117.10.60	Shawls, scarves, mufflers, mantillas, veils and the like, nesoi.
6117.80.20	Ties, bow ties and cravats, containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6117.80.30	Made up clothing accessories (excl shawls, scarves, mufflers, mantillas, veils and the like; ties and cravat), containing >= 70% wt of silk.
6117.80.85	Headbands, ponytail holders & similar articles, of textile materials other than containing 70% or more by weight of silk, knitted/crocheted.
6117.80.87	Ties, bow ties and cravats, containing under 70% by weight of silk or silk waste, knitted or crocheted.
6117.80.95	Made up clothing accessories (excl shawl, scarve, and like, tie, cravat, headband, ponytail holder and like), cont < 70% wt of silk, k/c.
6117.90.10	Parts of garments or of clothing accessories, containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6117.90.90	Parts of garments or of clothing accessories, containing under 70% by weight of silk or silk waste, knitted or crocheted.
6201.11.00	Men's or boys' overcoats, carcoats, capes, cloaks and similar coats of wool or fine animal hair, not knitted or crocheted.
6201.12.10	Men's or boys' overcoats, carcoats, capes, & similar coats of cotton, not knit or crocheted, containing 15% or more by wt of down, etc.
6201.12.20	Men's or boys' overcoats, carcoats, capes, & similar coats of cotton, not knit or crocheted, not containing 15% or more by wt of down, etc.
6201.13.10	Men's or boys' overcoats, carcoats, capes, & like coats of man-made fibers, not knit or crocheted, cont. 15% or more by wt of down, etc.
6201.13.30	Men's or boys' overcoats, carcoats, capes, & like coats of manmade fibers, not knit or crocheted, cont. 36 percent or more of wool, nesoi.
6201.13.40	Men's or boys' overcoats, carcoats, capes, cloaks and similar coats, not knitted or crocheted, of manmade fibers, nesoi.
6201.19.10	Men's or boys' overcoats, carcoats, capes, cloaks, & sim coats, of tex mats (except wool, cotton or mmf), cont > or = 70% by wt silk, not k/c.
6201.19.90	Men's or boys' overcoats, carcoats, capes, cloaks, & sim coats, of tex mats (except wool, cotton or mmf), cont under 70% by wt silk, not k/c.
6201.91.03	Rec. perf. outwear, men's/boys' padded, sleevels jackets, not knit/crochet, of wool or fine animal.
6201.91.05	Rec perf outwear, men's or boys' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair.
6201.91.25	Men's or boys' padded, sleeveless jackets, not knitted or crocheted, of wool or fine animal hair, o/than rec. perf outwear.
6201.91.40	Men's or boys' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outwear.
6201.92.05	Rec perf outwear, men's/boys' anoraks, windbreakers & similar articles, not knit/crocheted, of cotton, containing 15% or more by weight of down, etc.
6201.92.17	Rec perf outwear, men's or boys' anoraks, windbreakers and similar articles, nesoi, not knitted or crocheted, of cotton, water resistant.
6201.92.19	Rec perf outwear, men's/boys' anoraks, windbreakers & similar articles nesoi, not knit/crochet, of cotton, not cont. 15% or more by wt of down, etc.
6201.92.30	Men's/boys' anoraks, windbreakers & sim articles, not knit/crochet, cotton, containing 15% or more by weight down, etc, o/than rec perf outwear.
6201.92.35	Men's or boys' anoraks, windbreakers and similar articles, nesoi, not knitted or crocheted, of cotton, water resistant, o/than rec perf outwear.
6201.92.45	Men's or boys' anoraks, windbreakers & sim articles nesoi, not knit/crochet, cotton, not cont. 15% or more by wt of down, etc, o/than rec perf outwear.
6201.93.15	Rec perf outwear, men's/boys' anoraks, windbreakers & similar articles, not knit/crochet, of man-made fibers, cont. 15% or more by wt of down, etc.
6201.93.18	Rec perf outwear, men's/boys' padded, sleeveless jackets, not knit/crochet, man-made fibers, not containing 15% or more by weight of down, etc.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6201.93.45	Rec perf outwear, men's/boys' anoraks, etc, nesoi, not knit/crochet, of manmade fibers, containing 36 percent or more of wool or fine animal hair.
6201.93.47	Rec perf outwear, men's/boys' anoraks, windbreakers and similar articles, not knitted or crocheted, of manmade fibers, nesoi, water resistant.
6201.93.49	Rec perf outwear, men's/boys' anoraks, windbreakers and similar articles, not knitted or crocheted, of manmade fibers, nesoi.
6201.93.50	Men's/boys' anoraks, windbreakers & similar articles, not knit/crochet, man-made fibers, cont. 15% or more by wt of down, etc, o/than rec perf outwear.
6201.93.52	Men's/boys' padded, sleeveless jackets, not knit/crochet, man-made fibers, not containing 15% or more by wt of down, etc, o/than rec perf outwear.
6201.93.55	Men's/boys' anoraks, etc, nesoi, not knit/crochet, manmade fibers, containing 36 percent or more of wool or fine animal hair, o/than rec perf outwear.
6201.93.60	Men's or boys' anoraks, windbreakers & similar articles, not knitted or crocheted, of manmade fibers, nesoi, water resistant, o/than rec perf outwear.
6201.93.65	Men's or boys' anoraks, windbreakers and similar articles, not knitted or crocheted, of manmade fibers, nesoi, o/than rec perf outwear.
6201.99.05	Rec perf outwear, men's/boys' anoraks, wind-breakers & sim articles, not k/c, of tex mats (except wool, cotton or mmf), cont 70% or more by wt silk.
6201.99.15	Rec perf outwear, men's/boys' anoraks, wind-breakers & sim articles, not k/c, text mats (not wool, cotton or mmf), cont under 70% by wt of silk.
6201.99.50	Men's/boys' anoraks, wind-breakers & sim articles, not k/c, tex mats (not wool, cotton or mmf), cont 70% or more by wt silk, o/than rec perf outwear.
6201.99.80	men's/boys' anoraks, wind-breakers & similar articles, not k/c, of text mats (except wool, cotton or mmf), cont under 70% by wt of silk.
6202.11.00	Women's or girls' overcoats, carcoats, capes, cloaks and similar coats, not knitted or crocheted, of wool or fine animal hair.
6202.12.10	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of cotton, containing 15% or more by weight of down, etc.
6202.12.20	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of cotton, not containing 15% or more by weight of down, etc.
6202.13.10	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of man-made fibers, containing 15% or more by weight of down, etc.
6202.13.30	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of m-m fibers, cont. 36% or more of wool or fine animal hair, nesoi.
6202.13.40	Women's or girls' overcoats, carcoats, capes, cloaks and similar articles, not knitted or crocheted, of man-made fibers, nesoi.
6202.19.10	Women's or girls' overcoats, carcoats, capes, cloaks & sim coats, of tex mats (except wool, cotton or mmf), con 70% or more wt silk, not k/c.
6202.19.90	Women's or girls' overcoats, carcoats, capes, cloaks & sim coats, of tex mats (except wool, cotton or mmf), con under 70% wt silk, not k/c.
6202.91.03	Rec perf outwear, women's or girls' padded, sleeveless jackets, not knitted or crocheted, of wool or fine animal hair.
6202.91.15	Rec perf outwear, women's or girls' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair.
6202.91.60	Women's or girls' padded, sleeveless jackets, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outwear.
6202.91.90	Women's or girls' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec pert outwear.
6202.92.03	Rec perf outwear, women's/girls' anoraks, windbreakers 7 similar articles, not knitt/crochet, cotton, cont. 15% or more by weight of down.
6202.92.05	Rec perf outwear, women's/girls' anoraks, windbreakers and similar articles, not knitted or crocheted, of cotton, nesoi, water resistant.
6202.92.12	Rec perf outwear, women's/girls' anoraks, windbreakers & similar articles, nt knit/crochet, of cotton, nt cont. 15% or more by wt of down, etc.
6202.92.25	Women's/girls' anoraks, windbreakers & similar articles, not knit/crochet, cotton, cont. 15% or more by weight of down, o/than rec perf outwear.
6202.92.30	Women's or girls' anoraks, windbreakers and similar articles, not knitted or crocheted, of cotton, nesoi, water resistant, o/than rec perf outwear.
6202.92.90	Women's/girls' anoraks, windbreakers & similar articles, nt knit/crochet, cotton, nt cont. 15% or more by wt of down, etc, o/than rec perf outwear.
6202.93.01	Women's or girls' anoraks, windbreakers & like articles, not knitted or crocheted, of man-made fibers, cont. 15% or more by wt of down, etc.
6202.93.03	Rec perf outwear, women's/girls' padded, sleeveless jackets, not knit/crochet, man-made fibers, not cont. 15% or more by weight of down, etc.
6202.93.05	Rec perf outwear, women's/girls' anoraks, windbreakers, etc, nt knit/crochet, manmade fibers, cont. 36% or more of wool or fine animal hair, nesoi.
6202.93.07	Rec perf outwear, women's/girls' anoraks, windbreakers & similar articles, not knit/crochet, manmade fibers, nesoi, water resistant.
6202.93.09	Rec perf outwear, women's/girls' anoraks, windbreakers & similar articles, not knitted or crocheted, of man-made fibers, nesoi.
6202.93.15	Women's/girls' anoraks, windbreakers & like articles, not knit/crochet, man-made fibers, cont. 15% or more by wt of down, etc, o/than rec perf outwear.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6202.93.25	Women's/girls' padded, sleeveless jackets, not knit/crochet, man-made fibers, not cont. 15% or more by wt of down, etc, o/than rec perf outwear.
6202.93.45	Women's/girls' anoraks, windbreakers, etc, nt knit/crochet, mm fibers, cont. 36% or more wool or fine animal hair, nesoi, o/than rec perf outwear.
6202.93.48	Women's/girls' anoraks, windbreakers & similar articles, not knit/crochet, of manmade fibers, nesoi, water resistant, o/than rec perf outwer.
6202.93.55	Women's or girls' anoraks, windbreakers and similar articles, not knitted or crocheted, of man-made fibers, nesoi, o/than rec perf outwear.
6202.99.03	Rec perf outwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont 70% or more by wt silk.
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.
6202.99.60	Women's/girls' anoraks, wind-breakers, etc, not k/c, tex mats (not wool, cotton or mmf), cont 70% or more by wt silk, o/than rec perf outwear.
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.
6203.11.15	Men's/boys' suits of wool, not knitted or crocheted, 30% or more of silk or silk waste, of wool yarn w/avg fiber diameter 18.5 micron or <.
6203.11.30	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, containing 30 percent or more of silk or silk waste, nesoi.
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.
6203.12.10	Men's or boys' suits, of synthetic fibers, not knitted or crocheted, containing 36 percent or more by weight of wool or fine animal hair.
6203.12.20	Men's or boys' suits, of synthetic fibers, under 36% by weight of wool, not knitted or crocheted.
6203.19.10	Men's or boys' suits, not knitted or crocheted, of cotton.
6203.19.20	Men's or boys' suits, of artificial fibers, not knitted or crocheted, containing 36 percent or more of wool or fine animal hair.
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted.
6203.19.50	Men's or boys' suits, of textile mats (except wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, not knit or croch.
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.
6203.22.10	Men's or boys' judo, karate and other oriental martial arts uniforms, not knitted or crocheted, of cotton.
6203.22.30	Men's or boys' ensembles, not knitted or crocheted, of cotton, other than judo, karate and other oriental martial arts uniforms.
6203.23.00	Men's or boys' ensembles, not knitted or crocheted, of synthetic fibers.
6203.29.10	Men's or boys' ensembles, not knitted or crocheted, of worsted wool fabric with wool yarn having average fiber diameter of 18.5 micron or <.
6203.29.15	Men's or boys' ensembles, not knitted or crocheted, of wool or fine animal hair.
6203.29.20	Men's or boys' ensembles, not knitted or crocheted, of artificial fibers.
6203.29.30	Men's or boys' ensembles, not knitted or crocheted, of textile materials nesoi.
6203.31.50	Men's or boys' suit-type jackets and blazers, of worsted wool fabric of wool yarn fiber avg diameter 18.5 micron or <, not knitt/crocheted.
6203.31.90	Men's or boys' suit-type jackets and blazers, of wool or fine animal hair, not knitted or crocheted.
6203.32.10	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers.
6203.32.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of cotton, under 36% by weight of flax.
6203.33.10	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair.
6203.33.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, under 36% by weight of wool.
6203.39.10	Men's or boys' suit-type jackets and blazers, of artificial fibers, containing 36% or more by weight of wool or fine animal hair, not k/c.
6203.39.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of artificial fibers, under 36% by weight of wool.
6203.39.50	Men's or boys' suit-type jackets and blazers, of textile materials (except wool, cotton or mmf), cont 70% or more by weight of silk, not k/c.
6203.39.90	Men's or boys' suit-type jackets and blazers, of text materials (except wool, cotton or mmf), containing under 70% by weight of silk, not k/c.
6203.41.01	Rec perf outwear, men's/boys' trousers & breeches, wool or fine an. hair, cont elastomeric fib, water resist, w/o belt loops, weighing >9 kg/doz.
6203.41.03	Rec perf outwear, men's/boys' trousers and breeches, other than of HTS 6203.41.05, of wool yarn having average fiber diameter of 18.5 micron or less.
6203.41.06	Rec perf outwear, men's/boys' trousers and breeches, other than of HTS 6203.41.05, nesoi.
6203.41.08	Rec perf outwear, men's/boys' bib and brace overalls, not knitted or crocheted, of wool or fine animal hair.
6203.41.25	Men's/boys' trousers & breeches, wool or fine an. hair, cont elastomeric fib, water resist, w/o belt loops, wt >9 kg/doz, o/than rec perf outwear.
6203.41.30	Men's/boys' trousers and breeches, o/than of HTS 6203.41.05, wool yarn w/average fiber diam of 18.5 micron or less, o/than rec perf outwear.
6203.41.60	Men's or boys' trousers and breeches, other than of HTSA 6203.41.05, nesoi, o/than rec perf outwear.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6203.41.80	Men's or boys' bib and brace overalls, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outwear.
6203.42.03	Rec perf outwear, men's/boys' trousers, overalls & shorts, not knit/crochet, of cotton, cont. 10 to 15% or more by weight of down.
6203.42.05	Rec perf outwear, men's/boys' bib and brace overalls, not knitted or crocheted, of cotton, not containing 10 to 15% or more by weight of down, etc.
6203.42.07	Rec perf outwear, men's/boys' trousers & shorts, not bibs, not knit/crochet, cotton, not containing 15% or more by weight of down, etc.
6203.42.17	Men's or boys' trousers, overalls & shorts, not knitted or crocheted, of cotton, cont. 10 to 15% or more by weight of down. o/than rec perf outwear.
6203.42.25	Men's/boys' bib & brace overalls, not knit/crochet, cotton, not containing 10 to 15% or more by weight of down, etc, o/than rec perf outwear.
6203.42.45	Men's/boys' trousers & shorts, not bibs, not knit/crochet, cotton, not containing 15% or more by weight of down, etc, o/than rec perf outwear.
6203.43.01	Rec perf outwear, men's/boys' trousers, bib & brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more of down, etc.
6203.43.03	Rec perf outwear, men's/boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, water resistant, not down.
6203.43.05	Rec perf outwear, men's/boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, not down, not water resistant.
6203.43.09	Rec perf outwear, men's/boys' trousers, etc, not knit/crochet, of synthetic fibers, containing 36 percent or more of wool or fine animal hair.
6203.43.11	Rec perf outwear, men's/boys' trousers and breeches, not knitted or crocheted, of synthetic fibers, nesoi, water resistant.
6203.43.13	Rec perf outwear, men's/boys' trousers, breeches & shorts, not k/c, synth fibers, cont under 15% wt down etc, cont under 36% wt wool, n/water resist.
6203.43.45	Men's/boys' trousers, bib & brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more down, etc, o/than rec perf outwear.
6203.43.55	Men's or boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, water resistant, not down, o/than rec perf outwear.
6203.43.60	Men's or boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, not down, not water resistant, o/than rec perf outwear.
6203.43.65	Men's or boys' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, certified hand-loomed and folklore products.
6203.43.70	Men's/boys' trousers, etc, not knit/crochet, synthetic fibers, containing 36 percent or more of wool or fine animal hair, o/than rec perf outwear.
6203.43.75	Men's or boys' trousers and breeches, not knitted or crocheted, of synthetic fibers, nesoi, water resistant, o/than rec perf outwear.
6203.43.90	Men's/boys' trousers, breeches, shorts, not k/c, synth fibers, con under 15% wt down etc, cont und 36% wt wool, n/water resist, not rec perf outwear.
6203.49.01	Rec perf outwear, men's/boys' bib and brace overalls, not knitted or crocheted, of artificial fibers.
6203.49.05	Rec perf outwear, men's/boys' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi.
6203.49.07	Rec perf outwear, men's/boys' trousers, bib & brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), cont > or = 70% wt silk.
6203.49.09	Rec perf outwear, men's/boys' trousers, bib/brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), con < 70% by wt silk.
6203.49.25	Men's or boys' bib and brace overalls, not knitted or crocheted, of artificial fibers, o/than rec perf outwear.
6203.49.35	Men's or boys' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, certified hand-loomed and folklore products.
6203.49.50	Men's or boys' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi, o/than rec perf outwear.
6203.49.60	Men's/boys' trousers, bib/brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), cont > or = 70% wt silk, not rec P outwear.
6203.49.90	Men's/boys' trousers, bib/brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), con < 70% by wt silk, o/than rec perf outwear.
6204.11.00	Women's or girls' suits, not knitted or crocheted, of wool or fine animal hair.
6204.12.00	Women's or girls' suits, not knitted or crocheted, of cotton.
6204.13.10	Women's or girls' suits, not knitted or crocheted, of synthetic fibers, containing 36 percent or more of wool or fine animal hair.
6204.13.20	Women's or girls' suits, not knitted or crocheted, of synthetic fibers, nesoi.
6204.19.10	Women's or girls' suits, not knitted or crocheted, of artificial fibers, containing 36 percent or more of wool or fine animal hair.
6204.19.20	Women's or girls' suits, not knitted or crocheted, of artificial fibers, nesoi.
6204.19.40	Women's or girls' suits, of textile materials (except wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, not k/c.
6204.19.80	Women's or girls' suits, of textile material (except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, not knit/croc.
6204.21.00	Women's or girls' ensembles, not knitted or crocheted, of wool or fine animal hair.
6204.22.10	Women's or girls' judo, karate and other oriental martial arts uniforms, not knitted or crocheted, of cotton.
6204.22.30	Women's or girls' ensembles, not knitted or crocheted, of cotton, other than judo, karate and other oriental martial arts uniforms.
6204.23.00	Women's or girls' ensembles, not knitted or crocheted, of synthetic fibers.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6204.29.20	Women's or girls' ensembles, not knitted or crocheted, of artificial fibers.
6204.29.40	Women's or girls' ensembles, not knitted or crocheted, of textile materials nesoi.
6204.31.10	Women's or girls' suit-type jackets & blazers, of wool or fine animal hair, not knitted or crocheted, cont. 30% or more of silk/silk waste.
6204.31.20	Women's or girls' suit-type jackets and blazers, of wool or fine animal hair, not knitted or crocheted, under 30% by weight of silk.
6204.32.10	Women's or girls' suit-type jackets and blazers, of cotton, not knitted or crocheted, containing 36 percent or more of flax fibers.
6204.32.20	Women's or girls' suit-type jackets and blazers, of cotton, not knitted or crocheted, under 36% flax.
6204.33.10	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, cont. 30% or more of silk/silk waste.
6204.33.20	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, containing 36 percent or more of flax fibers.
6204.33.40	Women's or girls' suit-type jackets & blazers, not knitted or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair.
6204.33.50	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, nesoi.
6204.39.20	Women's or girls' suit-type jackets & blazers, not knitted or crocheted, of artificial fibers, cont. 36% or more of wool or fine animal hair.
6204.39.30	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of artificial fibers, under 36% by weight of wool.
6204.39.60	Women's or girls' suit-type jackets and blazers, not knitted/crocheted, of textile materials nesoi, cont. 70% + of silk or silk waste.
6204.39.80	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of textile materials nesoi.
6204.41.10	Women's or girls' dresses, not knitted or crocheted, of wool or fine animal hair, containing 30 percent of silk or silk waste.
6204.41.20	Women's or girls' dresses, not knitted or crocheted, of wool or fine animal hair, under 30% by weight of silk.
6204.42.10	Women's or girls' dresses, not knitted or crocheted, of cotton, certified hand-loomed and folklore products.
6204.42.20	Women's or girls' dresses, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers, other than certified.
6204.42.30	Women's or girls' dresses, not knitted or crocheted, of cotton, nesoi.
6204.43.10	Women's or girls' dresses, not knitted or crocheted, of synthetic fibers, certified hand-loomed and folklore products.
6204.43.20	Women's or girls' dresses, not knit or crocheted, of synthetic fibers, containing 30% or more of silk or silk waste, other than certified.
6204.43.30	Women's or girls' dresses, of synthetic fibers, not knitted or crocheted, containing 36 percent or more of wool or fine animal hair, nesoi.
6204.43.40	Women's or girls' dresses, not knitted or crocheted, of synthetic fibers, nesoi.
6204.44.20	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, nesoi, certified hand-loomed and folklore products.
6204.44.30	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, containing 36 percent or more of wool or fine animal hair.
6204.44.40	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, nesoi.
6204.49.10	Women's or girls' dresses, not knitted or crocheted, containing 70% or more by weight of silk or silk waste.
6204.49.50	Women's or girls' dresses, not knitted or crocheted, of textile materials nesoi.
6204.51.00	Women's or girls' skirts and divided skirts, not knitted or crocheted, of wool or fine animal hair.
6204.52.10	Women's or girls' skirts and divided skirts, not knitted or crocheted, of cotton, certified hand-loomed and folklore products.
6204.52.20	Women's or girls' skirts and divided skirts, not knitted or crocheted, of cotton, nesoi.
6204.53.10	Women's or girls' skirts and divided skirts, not knitted or crocheted, of synthetic fibers, certified hand-loomed and folklore products.
6204.53.20	Women's or girls' skirts & divided skirts, nt knit or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair, nesoi.
6204.53.30	Women's or girls' skirts and divided skirts, not knitted or crocheted, of synthetic fibers, nesoi.
6204.59.10	Women's or girls' skirts and divided skirts, not knitted or crocheted, of artificial fibers, certified hand-loomed and folklore products.
6204.59.20	Women's or girls' skirts & divided skirts, nt knit or crocheted, of artificial fibers, cont. 36% or more of wool or fine animal hair, nesoi.
6204.59.30	Women's or girls' skirts and divided skirts, not knitted or crocheted, of artificial fibers, nesoi.
6204.59.40	Women's or girls' skirts and divided skirts, not knitted or crocheted, of textile materials nesoi.
6204.61.05	Rec perf outwear, women's/girls' trousers & breeches, not k/c, wool or f.a.h., cont elastomeric fib, water resist, w/o belt loops, wt > 6 kg/doz.
6204.61.15	Rec perf outwear, women's/girls' trousers & breeches, not k/c, wool, w/o elastomeric fib, not water resist, w belt loops, weighing under 6 kg/doz.
6204.61.60	Women's or girls' trousers & breeches, not k/c, wool or f.a.h., cont elastomeric fib, water resist, w/o belt loops, wt > 6 kg/doz, not rec perf outwr.
6204.61.80	Women's or girls' trousers & breeches, not k/c, wool, w/o elastomeric fib, not water resist, w/belt loops, wt under 6 kg/doz, o/than rec perf outwear.
6204.62.03	Rec perf outwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, cotton, cont. 15% or more by wt of down, etc.
6204.62.05	Rec perf outwear, women's/girls' bib and brace overalls, not knitted or crocheted, of cotton, not containing 15% or more by weight of down, etc.
6204.62.15	Rec perf outwear, women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6204.62.50	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, cotton, cont. 15% or more by wt down, etc, o/than rec perf outwear.
6204.62.60	Women's/girls' bib/brace overalls, not knit/crochet, cotton, not containing 15% or more by weight of down, etc. o/than rec perf outwear.
6204.62.70	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi, certified hand-loomed and folklore products.
6204.62.80	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi, o/than rec perf outwear.
6204.63.01	Rec perf outwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more down, etc.
6204.63.02	Rec perf outwear, women's/girls' bib/brace overalls, not knit/crochet, syn. fibers, water resistant, not cont. 15% or more by wt. of down, etc.
6204.63.03	Rec perf outwear, women's/girls' bib/brace overalls of synthetic fibers, not knit/crochet, not cont. 15% or more by wt of down, etc, nesoi.
6204.63.08	Rec perf outwear, women's/girls' trousers, breeches & shorts, not knit/crochet, syn. fibers, cont. 36% or more of wool or fine animal hair, nesoi.
6204.63.09	Rec perf outwear, women's/girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi, water resistant.
6204.63.11	Rec perf outwear, women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi.
6204.63.50	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more down, etc., o/than rec perf outwear.
6204.63.55	Women's/girls' bib/brace overalls, not knit/crochet, syn. fibers, water resistant, not cont. 15% or more by wt. of down, etc, o/than rec perf outwear.
6204.63.60	Women's/girls' bib & brace overalls of synthetic fibers, not knit/crochet, not cont. 15% or more by wt of down, etc, nesoi, o/than rec perf outwear.
6204.63.65	Women's or girls' trousers, breeches & shorts, not knit or crocheted, of synthetic fibers, nesoi, certified hand-loomed & folklore products.
6204.63.70	Women's/girls' trousers, breeches & shorts, not knit/crochet, syn. fibers, cont. 36% or more wool or fine animal hair, nesoi, o/than rec perf outwear.
6204.63.75	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi, water resistant, o/than rec perf outwear.
6204.63.90	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi, o/than rec perf outwear.
6204.69.01	Rec perf outwear, women's or girls' bib and brace overalls, not knitted or crocheted, of artificial fibers.
6204.69.02	Rec perf outwear, women's/girls' trousers, breeches & shorts, not knit/crochet, artificial fibers, cont. 36% or more of wool or fine animal hair.
6204.69.03	Rec perf outwear, women's/girls' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi.
6204.69.04	Rec perf outwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont > or = 70% wt silk or silk waste.
6204.69.05	Rec perf outwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont under 70% by wt silk/silk waste.
6204.69.06	Rec perf outwear, women's or girls' trousers, bib and brace overalls, breeches and shorts, not knitted or crocheted, of textile materials nesoi.
6204.69.15	Women's or girls' bib and brace overalls, not knitted or crocheted, of artificial fibers, o/than rec perf outwear.
6204.69.22	Women's/girls' trousers, breeches & shorts, not knit/crochet, artificial fibers, cont. 36% or more wool or fine animal hair, o/than rec perf outwear.
6204.69.28	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi, o/than rec perf outwear.
6204.69.45	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont > or = 70% wt silk, silk waste, not rec perf outwear.
6204.69.65	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont under 70% by wt silk/silk waste, not rec perf outwr.
6204.69.80	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, textile materials nesoi, o/than red perf outwear.
6205.20.10	Men's or boys' shirts, not knitted or crocheted, of cotton, certified hand-loomed and folklore products.
6205.20.20	Men's or boys' shirts, not knitted or crocheted, of cotton, nesoi.
6205.30.10	Men's or boys' shirts, not knitted or crocheted, of manmade fibers, certified hand-loomed and folklore products.
6205.30.15	Men's or boys' shirts, not knitted or crocheted, of manmade fibers, containing 36 percent or more of wool or fine animal hair, nesoi.
6205.30.20	Men's or boys' shirts, not knitted or crocheted, of manmade fibers, nesoi.
6205.90.05	Men's or boys' shirts, not knitted or crocheted, of wool or fine animal hair, certified hand-loomed and folklore products.
6205.90.07	Men's or boys' shirts, not knitted or crocheted, of wool or fine animal hair, nesoi.
6205.90.10	Men's or boys' shirts, of silk or silk waste, containing 70% or more by wt of silk or silk waste, not knitted or crocheted.
6205.90.30	Men's or boys' shirts, of silk or silk waste, containing under 70% by wt of silk or silk waste, not knitted or crocheted.
6205.90.40	Men's or boys' shirts, not knitted or crocheted, of textile materials, nesoi.
6206.10.00	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted, of silk or silk waste.
6206.20.10	Women's or girls' blouses and shirts, not knitted or crocheted, of wool or fine animal hair, certified hand-loomed and folklore products.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6206.20.20	Women's or girls' blouses & shirts, not knitted or crocheted, of wool or fine animal hair, containing 30% or more of silk/silk waste, nesoi.
6206.20.30	Women's or girls' blouses and shirts, not knitted or crocheted, of wool or fine animal hair, nesoi.
6206.30.10	Women's or girls' blouses and shirts, not knitted or crocheted, of cotton, certified hand-loomed and folklore products.
6206.30.20	Women's or girls' blouses and shirts, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers, nesoi.
6206.30.30	Women's or girls' blouses and shirts, not knitted or crocheted, of cotton, nesoi.
6206.40.10	Women's or girls' blouses and shirts, not knitted or crocheted, of manmade fibers, certified hand-loomed and folklore products.
6206.40.20	Women's or girls' blouses and shirts, not knitted or crocheted, of manmade fibers, containing 30 percent or more of silk/silk waste, nesoi.
6206.40.25	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted, of manmade fibers, containing 36% or more of wool, nesoi.
6206.40.30	Women's or girls' blouses and shirts, not knitted or crocheted, of manmade fibers, nesoi.
6206.90.00	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted, of textile materials nesoi.
6207.11.00	Men's or boys' underpants and briefs, not knitted or crocheted, of cotton.
6207.19.10	Men's or boys' underpants and briefs, of textile mats (except cotton), cont 70% or more wt of silk or silk waste, not knitted/crocheted.
6207.19.90	Men's or boys' underpants and briefs, of textile mats (except cotton), cont under 70% by wt of silk or silk waste, not knitted/crocheted.
6207.21.00	Men's or boys' nightshirts and pajamas, not knitted or crocheted, of cotton.
6207.22.00	Men's or boys' nightshirts and pajamas, not knitted or crocheted, of man-made fibers.
6207.29.10	Men's or boys' nightshirts and pajamas, of textile materials (except cotton or mmf), cont 70% or more by wt of silk or silk waste, not k/c.
6207.29.90	Men's or boys' nightshirts and pajamas, of textile materials (except cotton or mmf), cont under 70% by weight of silk or silk waste, not k/c.
6207.91.10	Men's or boys' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of cotton.
6207.91.30	Men's or boys' singlets and other undershirts, not knitted or crocheted, of cotton.
6207.99.20	Men's or boys' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of wool or fine animal hair.
6207.99.40	Men's or boys' singlets and other undershirts, not knitted or crocheted, of wool or fine animal hair.
6207.99.70	Men's or boys' undershirts, bathrobes, & sim art, cont 70% or more by wt of silk or silk waste, not knitted or crocheted.
6207.99.75	Men's or boys' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of man-made fibers.
6207.99.85	Men's or boys' singlets and other undershirts, not knitted or crocheted, of man-made fibers, nesoi.
6207.99.90	Men's or boys' undershirts, bathrobes, & sim art, of text mats (except of cotton, mmf, wool, silk), not knitted or crocheted.
6208.11.00	Women's or girls' slips and petticoats, not knitted or crocheted, of man-made fibers.
6208.19.20	Women's or girls' slips and petticoats, not knitted or crocheted, of cotton.
6208.19.50	Women's or girls' slips and petticoats, of textile materials (except mmf or cotton), cont 70% or more by wt of silk or silk waste, not k/c.
6208.19.90	Women's or girls' slips and petticoats, of textile materials (except mmf or cotton), cont under 70% by weight of silk or silk waste, not k/c.
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton.
6208.22.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of man-made fibers.
6208.29.10	Women's or girls' nightdresses and pajamas, of textile materials (except cotton or mmf), cont > or = 70% by wt of silk or silk waste, not k/c.
6208.29.90	Women's or girls' nightdresses and pajamas, of textile materials (except cotton or mmf), cont under 70% by wt of silk or silk waste, not k/c.
6208.91.10	Women's or girls' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of cotton.
6208.91.30	Women's or girls' undershirts and underpants, not knitted or crocheted, of cotton.
6208.92.00	Women's or girls' singlets & other undershirts, briefs, panties, bathrobes & similar articles, not knitted or crocheted, of man-made fibers.
6208.99.20	Women's or girls' undershirts, underpants, bathrobes & like articles, not knitted or crocheted, of wool or fine animal hair.
6208.99.30	Women's or girls' singlet & other undershirt, briefs, panties, negligees, dressing gowns & sim art, of silk, con > or = 70% wt silk, not k/c.
6208.99.50	Women's or girls' singlets & other undershirts, briefs, panties, negligees, dressing gowns & sim art, of silk, con < 70% wt silk, not k/c.
6208.99.80	Women's or girls' undershirts, underpants, bathrobes & like articles, not knitted or crocheted, of textile materials nesoi.
6209.20.10	Babies' dresses, not knitted or crocheted, of cotton.
6209.20.20	Babies' blouses and shirts, except those imported as parts of sets, not knitted or crocheted, of cotton.
6209.20.30	Babies' trousers, breeches and shorts, except those imported as parts of sets, not knitted or crocheted, of cotton.
6209.20.50	Babies' garments & clothing acc. nesoi, of cotton, incl. sunsuits & sim app, sets & parts of sets, & diapers, not knitted or crocheted.
6209.30.10	Babies' blouses and shirts, except those imported as parts of sets, not knitted or crocheted, of synthetic fibers.
6209.30.20	Babies' trousers, breeches and shorts, except those imported as parts of sets, not knitted or crocheted, of synthetic fibers.
6209.30.30	Babies' garments and clothing accessories, not knitted or crocheted, nesoi, of synthetic fibers.
6209.90.05	Babies' garments and clothing accessories, not knitted or crocheted, of wool or fine animal hair.
6209.90.10	Babies' blouses and shirts, except those imported as parts of sets, not knitted or crocheted, of artificial fibers.
6209.90.20	Babies' trousers, breeches and shorts, except those imported as parts of sets, not knitted or crocheted, of artificial fibers.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6209.90.30	Babies' garments and clothing accessories, not knitted or crocheted, nesoi, of artificial fibers.
6209.90.50	Babies' garments and clothing accessories, of text mats (except wool, cotton or mmf), cont 70% or more by wt of silk or silk waste, not k/c.
6209.90.90	Babies' garments and clothing accessories, of textile mats (except wool, cotton or mmf), cont under 70% by wt of silk or silk waste, not k/c.
6210.10.20	Garments, not knitted or crocheted, made up of fabrics of heading 5602 or 5603 formed on a base of paper or covered or lined with paper.
6210.10.50	Nonwoven dispos apparel designed for hosps, clinics, labs or cont area use, made up of fab of 5602/5603, n/formed or lined w paper, not k/c.
6210.10.70	Disposable briefs and panties designed for one time use, made up of fabrics of 5602 or 5603, not formed or lined w paper, not k/c.
6210.10.90	Garments, nesoi, made up of fabrics of heading 5602 or 5603, not formed or lined w paper, not k/c.
6210.20.30	Men's or boys' garments, sim to 6201.11–6201.19, of mmf, outer surf impreg, coated etc. w rub/plast, underlying fab completely obsc, not k/c.
6210.20.50	Men's or boys' overcoats/carcoats/capes/etc. of mmf, other than with outer sur. impreg/coated/etc. w/rub/plast, n knitted/crocheted.
6210.20.70	Men's or boys' overcoats/carcoats/capes/etc. of tx mat (excl mmf), outer sur. impreg/etc. w/rub/plast completely obscuring fab, n k/c.
6210.20.90	Men's or boys' overcoats/carcoats/capes/etc. of tx mat (excl mmf), other than with outer sur. impreg/coated/etc. w/rub/plast, n k/c.
6210.30.30	Women's or girls' overcoats/carcoats/capes/etc. of mmf, outer sur. impreg/coated/etc. w/rub/plast completely obscuring fab, n k/c.
6210.30.50	Women's or girls' overcoats/carcoats/capes/etc. of mmf, other than with outer sur. impreg/coated/etc. w/rub/plast, n k/c.
6210.30.70	Women's or girls' overcoats/carcoats/capes/etc. of tx mat(excl mmf), fabric impreg/coated w/rub/plast completely obscuring fab, n k/c.
6210.30.90	Women's or girls' overcoats/carcoats/capes/etc. of tx mat(excl mmf), other than with outer sur. impreg/coated etc. w/rub/plast, n k/c.
6210.40.15	Rec perf outwear, men's/boys' garm, nesoi, of fab 5903/5906/5907, not k/c, mmf, w/out sur. impreg/coatd/etc. w/rub/plast completely obscuring fab.
6210.40.25	Rec perf outwear, men's/boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, mmf, o/than w/outer sur. impreg/coated/etc. w/rub/plast.
6210.40.28	Rec perf outwear, men's/boys' garm, nesoi, fab of 5903/5906/5907, not k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast compl obscuring fab.
6210.40.29	Rec perf outwear, men's or boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast.
6210.40.35	Men's/boys' garm, nesoi, fab of 5903/5906/5907, not k/c, mmf, w/out sur. impreg/coated/etc. w/rub/plast completely obscuring fab, not rec perf outwear.
6210.40.55	Men's or boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, mmf, o/than w/outer sur. impreg/coated/etc. w/rub/plast, o/than rec perf outwear.
6210.40.75	Men's/boys' garm, nesoi, fab of 5903/5906/5907, n k/c, tex mat (excl mmf), w/oute sur. impreg/etc. w/rub/plast compl obscuring fab,not rec perf outwr.
6210.40.80	Men's or boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast, o/than rec perf outwear.
6210.50.03	Rec perf outwear, women's/girls' garm, nesoi, fab of 5903/5906/5907, not k/c, mmf, w/outer sur. impreg/coated/etc. w/rub/plast compl obscuring fab.
6210.50.05	Rec perf outwear, women's/girls' garm, nesoi, fab of 5903/5906/5907, not k/c, mmf, o/than w/out sur. impreg/etc. w/rub/plast.
6210.50.12	Rec perf outwear, women/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast comp obscuring fab.
6210.50.22	Rec perf outwear, wom's/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, tex mat (excpt mmf), o/than w/out sur. impreg/coated w/rub/plas.
6210.50.35	Women's/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, mmf, w/out sur. impreg/coated/etc. w/rub/plast compl obscuring fab, o/than rec perf outwear.
6210.50.55	Women's or girls' garm, nesoi, of fab of 5903/5906/5907, n k/c, of mmf, other than w/outer sur. impreg/etc. w/rub/plast, o/than rec perf outwear.
6210.50.75	Wom's/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, of tex mat (excl mmf), w/o sur. impreg/etc. w/rub/plast comp obscur fab, not rec perf outwear.
6210.50.80	Wom's/girls' garm, nesoi, fab of 5903/5906/5907, not k/c, tex mat (except mmf), o/than w/out sur. impreg/coated w/rub/plas, o/than rec perf outwear.
6211.11.10	Men's or boys' swimwear, not knitted or crocheted, of man-made fibers.
6211.11.40	Men's or boys' swimwear, of textile materials (except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted.
6211.11.80	Men's or boys' swimwear, of textile materials (except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted.
6211.12.10	Women's or girls' swimwear, not knitted or crocheted, of man-made fibers.
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.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
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.
6211.20.04	Anoraks, windbreakers and similar articles imported as parts of ski-suits, con 15% or more by wt of down & waterfowl plumage, etc, not k/c.
6211.20.08	Anoraks, windbreakers and similar articles imported as parts of ski-suits, con under 15% by wt of down & waterfowl plumage, etc, not k/c.
6211.20.15	Men's or boys' ski-suits, not knitted or crocheted, water resistant, not containing 15% or more by weight of down, etc.
6211.20.24	Men's or boys' anoraks, windbreakers and sim art impted as pts of ski-suits, of wool, con < 15% wt of down etc, not water resist, not k/c.
6211.20.28	Men's or boys' anoraks, etc. imported as parts of ski-suits, of tx mats (except wool), con 15% wt of down etc, not water resist, not k/c.
6211.20.34	Men's or boys' trousers and breeches imported as parts of ski-suits, of wool, con under 15% by wt of down etc., not water resist, not k/c.
6211.20.38	Men's or boys' trousers & breeches imported as pts of ski-suits, of tx mat (except wool), con 15% wt down etc, not water resist, not k/c.
6211.20.44	Men's or boys' ski-suits nesoi, of wool or fine animal hair, con under 15% wt down etc, not water resist, not knitted/crocheted.
6211.20.48	Men's or boys' ski-suits nesoi, of tx mats (except wool or fine animal hair), con under 15% wt down etc, not water resist, not knitted/croch.
6211.20.54	Women's or girls' anoraks, windbreakers and sim art impted as pts of ski-suits, of wool, con 15% wt down etc, not water resist, not k/c.
6211.20.58	Women's or girls' anoraks and sim art imported as pts of ski-suits, of tx mats (except wool), con < 15% wt down etc, not wat resist, n k/c.
6211.20.64	Women's or girls' trousers and breeches imported as parts of ski-suits, of wool, cont under 15% by wt of down etc, not water resist, not k/c.
6211.20.68	Women's or girls' trousers & breeches imp as pts of ski-suits, of tx mats (except wool), con < 15% wt of down etc, not wat resist, not k/c.
6211.20.74	Women's or girls' ski-suits nesoi, of wool or fine animal hair, con under 15% by wt of down etc, not water resistant, not knit or crocheted.
6211.20.78	Women's or girls' ski-suits nesoi, of tx mats (except wool), con under 15% by weight of down etc, not water resistant, not knit or crocheted.
6211.32.50	Rec pref outwear, men's or boys' track suits or other garments nesoi, not knitted or crocheted, of cotton.
6211.32.90	Men's or boys' track suits or other garments nesoi, not knitted or crocheted, of cotton, o/than rec perf outwear.
6211.33.50	Rec perf outwear, men's or boys' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers.
6211.33.90	Men's or boys' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers, o/than rec perf outwear.
6211.39.03	Rec perf outwear, men's or boys' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair.
6211.39.07	Rec pref outwear, men's/boys' garments (excl swimwear or ski-suits), nesoi, not k/c, tex mat (not wool, cotton,mmf), cont 70% or more wt of silk.
6211.39.15	Rec perf outwear, men's/boys' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont under 70% by wt of silk.
6211.39.30	Men's or boys' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outwear.
6211.39.60	Men's/boys' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton or mmf), cont 70% or more wt of silk, not rec perf outwear.
6211.39.80	Men's/boys' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont under 70% by wt of silk, not rec perf outwear.
6211.42.05	Rec perf outwear, women's or girls' track suits or other garments nesoi, not knitted or crocheted, of cotton.
6211.42.10	Women's or girls' track suits or other garments nesoi, not knitted or crocheted, of cotton, o/than rec perf outwear.
6211.43.05	Rec perf outwear, women's or girls' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers.
6211.43.10	Women's or girls' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers, o/than rec perf outwear.
6211.49.03	Rec perf outwear, women's/girls' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton,mmf), cont 70% or more wt of silk.
6211.49.15	Rec perf outwear, women's or girls' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair.
6211.49.25	Rec pref outwear, women's/girls' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton,mmf), cont under 70% by wt of silk.
6211.49.50	Women's/girls' garms (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont 70% or more wt of silk,o/than rec perf outwear.
6211.49.60	Women's or girls' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outwear.
6211.49.80	Women's/girls' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont under 70% by wt of silk, not rec perf outwear.
6212.10.30	Brassieres, containing lace, net or embroidery, containing 70% or more by weight of silk or silk waste, whether or not knitted or crocheted.
6212.10.50	Brassieres containing lace, net or embroidery, containing under 70% by weight of silk or silk waste, whether or not knitted or crocheted.
6212.10.70	Brassieres, not containing lace, net or embroidery, containing 70% or more by wt of silk or silk waste, whether or not knitted or crocheted.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6212.10.90	Brassieres, not containing lace, net or embroidery, containing under 70% by wt of silk or silk waste, whether or not knitted or crocheted.
6212.20.00	Girdles and panty-girdles.
6212.30.00	Corsets.
6212.90.00	Braces, suspenders, garters and similar articles and parts thereof.
6213.20.10	Handkerchiefs, not knitted or crocheted, of cotton, hemmed, not containing lace or embroidery.
6213.20.20	Handkerchiefs, not knitted or crocheted, of cotton, nesoi.
6213.90.05	Handkerchiefs, not knitted or crocheted, containing 70% or more by weight of silk or silk waste.
6213.90.07	Handkerchiefs, of silk or silk waste, containing less than 70 percent by weight of silk or silk waste.
6213.90.10	Handkerchiefs, not knitted or crocheted, of man-made fibers.
6213.90.20	Handkerchiefs, not knitted or crocheted, of textile materials, nesoi.
6214.10.10	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, containing 70% or more silk or silk waste.
6214.10.20	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, containing less than 70% silk or silk waste.
6214.20.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of wool or fine animal hair.
6214.30.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of synthetic fibers.
6214.40.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of artificial fibers.
6214.90.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of textile materials nesoi.
6215.10.00	Ties, bow ties and cravats, not knitted or crocheted, of silk or silk waste.
6215.20.00	Ties, bow ties and cravats, not knitted or crocheted, of man-made fibers.
6215.90.00	Ties, bow ties and cravats, not knitted or crocheted, of textile materials nesoi.
6216.00.05	Ice hockey and field hockey gloves, not knitted or crocheted, impregnated, coated or covered with plastics or rubber.
6216.00.08	Gloves, mittens & mitts, for sports, including ski & snowmobile gloves, etc., not knitted/crocheted, impreg. or cov. with plastic/rubber.
6216.00.13	Gloves etc. (excl. for sports etc.), not k/c, impreg. etc. with plas/rub, w/o four., cut & sewn, of veg. fibers, over 50% by wt. plas/rub.
6216.00.17	Gloves etc. (excl. for sports), not k/c, impreg. etc. with plas/rub, w/o four., cut & sewn, of veg. fibers, cont. <50% by wt. plas./rubber.
6216.00.19	Gloves, mittens and mitts (excl sports), w/o four, impreg etc, cut & sewn from pre-exist impreg fab, of non-veg fib, con > 50% wt plas/rub.
6216.00.21	Gloves, mittens and mitts (excl sports), w/o four, impreg etc, cut & sewn from pre-exist impreg fab, of non-veg fib, con < 50% wt plas/rub.
6216.00.24	Gloves, mittens and mitts (excl sports), w/o four, impreg etc, not cut & sewn from pre-exist fab, con 50% or more wt cotton/mmf, not k/c.
6216.00.26	Gloves, mittens and mitts (excl sports), w/o four, impreg etc, not cut & sewn from pre-exist fab, con under 50% wt cotton or mmf, not k/c.
6216.00.29	Gloves, mittens and mitts (excl sports), impreg, etc., with fourchettes, cont 50% or more by wt of coton, mmf or combo thereof, not knit/croc.
6216.00.31	Gloves, mittens and mitts (excl sports), impreg, etc., with fourchettes, cont under 50% by wt of coton, mmf or combo thereof, not knit/croc.
6216.00.33	Ice hockey and field hockey gloves, not knitted or crocheted, of cotton, not impregnated, coated or covered with plastics or rubber.
6216.00.35	Gloves, mittens & mitts, all the foregoing for sports use, including ski & snowmobile gloves, mittens & mitts, of cotton.
6216.00.38	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of cotton, without fourchettes.
6216.00.41	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of cotton, with fourchettes.
6216.00.43	Ice hockey and field hockey gloves, not knitted or crocheted, of man-made fibers, not impregnated etc. with plastics or rubber.
6216.00.46	Gloves, mittens & mitts, for sports use, incl. ski & snowmobile, of man-made fibers, not impregnated/coated with plastics or rubber.
6216.00.54	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of man-made fibers, w/o fourchettes.
6216.00.58	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of mmf, with fourchettes.
6216.00.80	Gloves, mittens and mitts, not knitted or crocheted, of wool or fine animal hair, nesoi.
6216.00.90	Gloves, mittens and mitts, not knitted or crocheted, of textile materials nesoi.
6217.10.10	Made up clothing accessories (excl those of heading 6212), containing 70% or more by weight of silk or silk waste, not knitted or crocheted.
6217.10.85	Headbands, ponytail holders and similar articles, of textile materials containing < 70% by weight of silk, not knit/crochet.
6217.10.95	Made up clothing accessories (excl of heading 6212 or headbands, ponytail holders & like), containing < 70% wgt of silk, not knit/crochet.
6217.90.10	Parts of garments or of clothing accessories (excl those of heading 6212), containing 70% or more by weight of silk or silk waste, not k/c.
6217.90.90	Parts of garments or of clothing accessories (excl those of heading 6212), containing under 70% by weight of silk or silk waste, n/knit/croc.
6301.10.00	Electric blankets.
6301.20.00	Blankets (other than electric blankets) and traveling rugs, of wool or fine animal hair.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton.
6301.40.00	Blankets (other than electric blankets) and traveling rugs, of synthetic fibers.
6301.90.00	Blankets and traveling rugs, nesoi.
6302.10.00	Bed linen, knitted or crocheted.
6302.21.30	Bed linen, not knitted or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, napped.
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.
6302.21.70	Bed linen, not knit or crocheted, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, 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.
6302.22.10	Bed linen, not knitted or crocheted, printed, of manmade fibers, containing embroidery, lace, braid, etc or applique work.
6302.22.20	Bed linen, not knitted or crocheted, printed, of manmade fibers, nesoi.
6302.29.00	Bed linen, not knitted or crocheted, printed, of textile materials nesoi.
6302.31.30	Bed linen, not knit/croc, not printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, napped.
6302.31.50	Bed linen, not knit/croc, not printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.
6302.31.70	Bed linen, not knit/croc, not printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, napped.
6302.31.90	Bed linen, not knit/croc, not printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.
6302.32.10	Bed linen, not knitted or crocheted, not printed, of manmade fiber, containing embroidery, lace, braid, etc or applique work.
6302.32.20	Bed linen, not knitted or crocheted, not printed, of manmade fibers, nesoi.
6302.39.00	Bed linen, not knitted or crocheted, not printed, of textile materials nesoi.
6302.40.10	Table linen, knitted or crocheted, of vegetable fiber (except of cotton).
6302.40.20	Table linen, knitted or crocheted, nesoi.
6302.51.10	Damask tablecloths and napkins, not knitted or crocheted, of cotton.
6302.51.20	Plain woven tablecloths and napkins, not knitted or crocheted, of cotton.
6302.51.30	Tablecloths and napkins, other than plain woven or damask, not knitted or crocheted, of cotton.
6302.51.40	Table linen, other than tablecloths and napkins, not knitted or crocheted, of cotton, nesoi.
6302.53.00	Table linen of man-made fibers, not knitted or crocheted.
6302.59.10	Tablecloths and napkins of flax, not knitted or crocheted.
6302.59.20	Table linen of flax, other than tablecloths and napkins, not knitted or crocheted.
6302.59.30	Table linen, of textile materials other than of cotton, flax or man-made fibers, not knitted or crocheted.
6302.60.00	Toilet linen and kitchen linen, of terry toweling or similar terry fabrics, of cotton.
6302.91.00	Toilet and kitchen linen, other than terry toweling or similar terry fabrics of cotton.
6302.93.10	Toilet and kitchen linen, of manmade fibers, of pile or tufted construction.
6302.93.20	Toilet and kitchen linen, of manmade fibers, nesoi.
6302.99.10	Toilet and kitchen linen of textile materials nesoi, containing 85% or more by weight of silk or silk waste.
6302.99.15	Toilet and kitchen linen of flax.
6302.99.20	Toilet and kitchen linen of textile materials nesoi, containing less than 85% by weight of silk or silk waste.
6303.12.00	Curtains (including drapes), interior blinds and valances of synthetic fibers, knitted or crocheted.
6303.19.11	Curtains (including drapes), interior blinds and valances of cotton, knitted or crocheted.
6303.19.21	Curtains (including drapes), interior blinds and valances of textile materials other than of cotton or synthetic fibers, knitted or crocheted.
6303.91.00	Curtains (including drapes), interior blinds and valances of cotton, not knitted or crocheted.
6303.92.10	Curtains/drapes, inter. blinds, etc. of syn fib, made up from fab of subh 5407.60.11/5407.60.21/5407.60.91, not knitted or crocheted.
6303.92.20	Curtains (including drapes), interior blinds and valances, nesoi, of synthetic fibers, not knitted or crocheted.
6303.99.00	Curtains (including drapes), interior blinds, valances of textile materials other than of cotton or of synthetic fibers, not knitted/crocheted.
6304.11.10	Bedspreads of cotton, knitted or crocheted, excluding those of heading 9404.
6304.11.20	Bedspreads of man-made fibers, knitted or crocheted, excluding those of heading 9404.
6304.11.30	Bedspreads of textile materials other than of cotton or of man-made fibers, knitted or crocheted, excluding those of heading 9404.
6304.19.05	Bedspreads, not knitted or crocheted, of cotton, containing any embroidery, lace, etc.
6304.19.10	Bedspreads, not knitted or crocheted, of cotton, nesoi.
6304.19.15	Bedspreads, not knitted or crocheted, of manmade fibers, containing any embroidery, lace, etc.
6304.19.20	Bedspreads, not knitted or crocheted, of manmade fibers, nesoi.
6304.19.30	Bedspreads, not knitted or crocheted, other than those of cotton or man-made fibers, excluding those of heading 9404.
6304.20.00	Bed nets made from warp knit fabrics, impregneted or coated with chemicals specified in subheading note 1 to this chapter.
6304.91.01	Furnishing articles, excluding those of heading 9404 and other than bedspreads and bed nets, knitted or crocheted.
6304.92.00	Furnishing articles (excluding those of heading 9404 and other than bedspreads) not knitted or crocheted, of cotton.
6304.93.00	Furnishing articles (excluding those of heading 9404 and other than bedspreads) not knitted or crocheted, of synthetic fibers.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6304.99.10	Wall hangings, not knitted or crocheted, of wool or fine animal hair, the foregoing certified hand-loomed and folklore products.
6304.99.15	Wall hangings, not knitted or crocheted, of wool or fine animal hair, nesoi.
6304.99.25	Wall hangings of jute, excluding those of heading 9404.
6304.99.35	Furnishing articles (excl. those of heading 9404 and other than bedspreads and jute wall hangings) of veg. fibers (excl. cotton), not k/c.
6304.99.40	Certified hand-loomed and folklore pillow covers of wool or fine animal hair, not knitted or crocheted.
6304.99.60	Furnishing articles (excluding those of heading 9404 and other than bedspreads) not knitted or crocheted, of textile materials, nesoi.
6305.10.00	Sacks and bags of a kind used for the packing of goods, of jute or of other textile bast fibers of heading 5303.
6305.20.00	Sacks and bags of a kind used for the packing of goods, of cotton.
6305.32.00	Flexible intermed. bulk containers of a kind used for packing goods, of man-made textile materials.
6305.33.00	Other sacks/bags for packing goods, of mm tex.mat. (not flex.intermed.bulk containers), of polyethylene or polypro. strip or the like.
6305.39.00	Sacks and bags of a kind used for the packing of goods, of man-made textile materials, nesoi.
6305.90.00	Sacks and bags of a kind used for the packing of goods, of textile materials, nesoi.
6306.12.00	Tarpaulins, awnings and sunblinds, of synthetic fibers.
6306.19.11	Tarpaulins, awnings and sunblinds, of cotton.
6306.19.21	Tarpaulins, awnings and sunblinds, of textile materials other than of cotton or synthetic fibers.
6306.22.10	Backpacking tents of synthetic fibers.
6306.22.90	Tents other than backpacking tents, of synthetic fibers.
6306.29.11	Tents of cotton.
6306.29.21	Tents of textile materials other than of cotton or synthetic fibers.
6306.30.00	Sails of textile materials.
6306.40.41	Pneumatic mattresses of cotton.
6306.40.49	Pneumatic mattresses of textile materials other than of cotton.
6306.90.10	Camping goods, nesoi, of cotton.
6306.90.50	Camping goods, nesoi, of textile materials other than of cotton.
6307.10.10	Dustcloths, mop cloths and polishing cloths, of cotton.
6307.10.20	Floor cloths, dishcloths and similar cleaning cloths of textile materials (except dustcloths, mops cloths and polishing cloths of cotton).
6307.20.00	Lifejackets and lifebelts of textile materials.
6307.90.30	Made-up labels of textile materials.
6307.90.40	Cords and tassels of textile materials.
6307.90.50	Corset lacings, footwear lacings or similar lacings of textile materials.
6307.90.60	Surgical drapes of fabric formed on a base of paper or covered or lined with paper.
6307.90.68	Surgical drapes of spunlaced or bonded fiber fabric disposable surgical drapes of man-made fibers.
6307.90.72	Surgical drapes, nesoi, not spunlaced or bonded fiber fabric.
6307.90.75	Toys for pets, of textile materials.
6307.90.85	Wall banners, of man-made fibers.
6307.90.89	Surgical towels; cotton towels of pile/tufted const.; pillow shells, of cotton; shells for quilts etc., and similar articles of cotton.
6307.90.98	National flags and other made-up articles of textile materials, nesoi.
6308.00.00	Needlecraft sets for making up into rugs, etc., consist of woven fabric and yarn, whether/not w/accessories, put up packings for retail sale.
6309.00.00	Worn clothing and other worn articles.
6310.10.10	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of wool or fine animal hair, sorted.
6310.10.20	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of textile materials nesoi, sorted.
6310.90.10	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of wool or fine animal hair, not sorted.
6310.90.20	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of textile materials nesoi, not sorted.
6401.10.00	Waterproof footwear, not mechanically assembled, w/outer soles & uppers of rubber or plastics, w/metal toecap.
6401.92.30	Waterproof ski boots & snowboard boots, not mechanically asmbld., w/outer sole and uppers of rubb. or plast., cover/ankle but not knee.
6401.92.60	Waterproof footwear, not mechanically asmbld., w/over 90% of ext. surf. area of soles & uppers PVC, covering/ankle but not knee.
6401.92.90	Waterproof footwear, not mechanically asmbld., w/outer soles and upper of rubber or plastics, nesoi, covering ankle but not knee.
6401.99.10	Waterproof footwear, not mechanically assembled, w/outer soles & uppers of rubber or plastics, covering the knee.
6401.99.30	Waterproof protect. footwear, not mechanically asmbld., w/outer soles and uppers of rubber or plastics, not cover ankle, w/o closures.
6401.99.60	Waterproof protect. footwear, not mechanically asmbld., w/outer soles and uppers of rubber or plastics, not cover ankle, w/ closures.
6401.99.80	Waterproof footwear, not mechanically asmbld, w/outer soles and 90% of ext. surf. area of uppers of rubber or plastics, not cover ankle.
6401.99.90	Waterproof footwear, not mechanically asmbld, w/outer soles and uppers of rubber or plastics, nesoi, not cover ankle.
6402.12.00	Ski-boots, cross-country ski footwear and snowboard boots, w/outer soles and uppers of rubber or plastics.
6402.19.05	Golf shoes w/outer soles of rubber or plastics and uppers > 90% of ext. surface area rubber or plastics.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
6402.19.15	Sports footwear (o/than ski fwear & golf shoes), w/outer soles of rubber or plastics & uppers >90% ext. surf. area rubber or plast.
6402.19.30	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued not over $3/pair.
6402.19.50	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued over $3 but not over $6.50/pair.
6402.19.70	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued over $6.50 but not over $12/pair.
6402.19.90	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued over $12/pair.
6402.20.00	Footwear w/outer soles & uppers of rubber/plastics, w/upper straps or thongs assembled to sole by means of plugs (zoris).
6402.91.05	Footwear w/outer soles of rubber or plastics, o/than sports,covers ankle, w/metal toe-cap,w/ext. surf. uppers o/90% rubber or plastics.
6402.91.10	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, designed to protect liquids, chemicals, weather.
6402.91.16	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued n/o $3/pair.
6402.91.20	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over $3 but n/o $6.50/pair.
6402.91.26	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued o/$6.50 but n/o $12/pair.
6402.91.30	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over $12/pair.
6402.91.40	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, w/ext. surf. of uppers o/90% rubber or plastics.
6402.91.42	Protective active footwear w/outer soles & uppers of rubber or plastics, covered ankle, nesoi, valued over $24/pair.
6402.91.50	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, designed as protection against liquids, chemicals, weather.
6402.91.60	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued n/o $3/pair.
6402.91.70	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued over $3 but n/o $6.50/pair.
6402.91.80	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued o/$6.50 but n/o $12/pair.
6402.91.90	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued over $12/pair.
6402.99.04	Footwear not cov. ankle, w/outer soles of rubber or plastics, nesoi, w/metal toe-cap, w/ext. surf. uppers o/90% rubber or plastics.
6402.99.08	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, to protect against liquids, chem, weather.
6402.99.12	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued n/o $3/pair.
6402.99.16	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued > $3 but n/o $6.50/pair.
6402.99.19	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued o/$6.50 but n/o $12/pair.
6402.99.21	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over $12/pair.
6402.99.23	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. uppers o/90% rubber/plastics, w/base of wood.
6402.99.25	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. uppers o/90% rubber/plastics, w/base of cork.
6402.99.27	Sandals w/outer soles & uppers of rubber or plastics, not cov. ankle, produced in one piece by molding.
6402.99.31	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. of uppers o/90% rubber or plastics, nesoi.
6402.99.32	Protective active footwear w/outer soles & uppers of rubber or plastics, not covered ankle, nesoi, valued over $24/pair.
6402.99.33	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, design. as protection against liquids/chemicals/weather.
6402.99.41	Footwear, nesoi, w/outer soles & uppers of rubber or plastic, open toe or heel or slip-on, tex outersole.
6402.99.49	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/open toes or heels or of the slip-on type.
6402.99.61	Footwear, nesoi, w/outer soles & uppers of rubber or plastics, o/than open toe or heel or slip-on, < $3, tex outersole, not subj C64 note 5.
6402.99.69	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued n/o $3/pair.
6402.99.71	Footwear, nesoi, w/outer soles and uppers of rubber or plastic, o/than open toe or heel or slip-on, $3–6.50, tex outersole, not subj C64 note 5.
6402.99.79	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued o/$3 but n/o $6.50/pair.
6402.99.80	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued o/$6.50 but n/o $12/pair.
6402.99.90	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued over $12/pair.
6403.12.30	Ski-boots, cross-country ski footwear and snowboard boots, w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, welt.
6403.12.60	Ski-boots, cross-country ski footwear and snowboard boot, w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, n/welt.
6403.19.10	Golf shoes, w/outer soles rubber/plastics/leather/comp. leather & uppers of leather, welt, for men/youths/boys.
6403.19.20	Sports footwear, nesoi, w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, welt, for men/youths/boys.
6403.19.30	Golf shoes, w/outer soles rubber/plastics/leather/comp. leather & uppers of leather, n/welt, for men/youths/boys.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6403.19.40	Sports footwear, nesoi, w/outer soles rubber/plastics/leather/comp. leather & uppers of leather, n/welt, for men/youths/boys.
6403.19.50	Golf shoes, w/outer soles rubber/plastics/leather/comp. leather & upper of leather, for persons other than men/youths/boys.
6403.19.70	Sports footwear, nesoi, w/outer soles rubber/plastics/leather/comp.leather & uppers of leather, for persons other than men/youths/boys.
6403.20.00	Footwear w/outer soles leather and uppers consist. of leather straps across the instep and around the big toe.
6403.40.30	Footwear w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, w/protective metal toe-cap, welt.
6403.40.60	Footwear w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, w/protective metal toe-cap, n/welt.
6403.51.11	Footwear w/outer soles of leather & uppers of leather, covering ankle, made on a base or platform of wood, w/o insole or metal toe-cap.
6403.51.30	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, welt.
6403.51.60	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, n/welt, for men, youths and boys.
6403.51.90	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, n/welt, for persons other than men, youths and boys.
6403.59.10	Footwear w/outer soles of leather & uppers of leather, not covering ankle, made on a base or platform of wood, w/o insole or metal toe-cap.
6403.59.15	Turn or turned footwear w/outer soles and uppers of leather, not covering the ankle.
6403.59.30	Footwear w/outer soles and uppers of leather, not covering the ankle, welt, nesoi.
6403.59.60	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for men, youths and boys.
6403.59.90	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for persons other than men, youths and boys.
6403.91.11	Footwear w/outer soles of rubber, plastics & uppers of leather, covering ankle, made on a base or platform of wood, w/o insole or metal toe.
6403.91.30	Footwear w/outer soles of rubber/plastics/composition leather & uppers of leather, covering the ankle, welt.
6403.91.60	Footwear w/outer soles of rubber/plastics/composition leather & uppers of leather, covering the ankle, n/welt, for men, youths and boys.
6403.91.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, cov. ankle, n/welt, for persons other than men/youths/boys.
6403.99.10	Footwear w/outer soles of rubber, plastics & uppers of leather, not covering ankle, made on a base or platform of wood, w/o insole or metal.
6403.99.20	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, made on a base wood.
6403.99.40	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, welt, nesoi.
6403.99.60	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, n/welt, for men, youths and boys, nesoi.
6403.99.75	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, for women/child./infants, val.n/o $2.50/pr.
6403.99.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, for women/child./infants, val. over $2.50/pair.
6404.11.20	Sports & athletic footwear w/outer soles of rubber/plastics & uppers of textile, w/ext. surf. of uppers over 50% leather.
6404.11.41	Sports ftwear w/outr sole rub/plast & upper textile val. < $3/pr, w/sole fixed w/adhesives w/o foxing not subj note 5 ch 64.
6404.11.49	Sports ftwear, outer soles rubber/plastic & uppers textile, val. <$3/pr, soles fixed w/adhesives w/o foxing, subj note 5 ch 64.
6404.11.51	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. < $3/pair, not subj to note 5 ch 64.
6404.11.59	Sports ftwear w/outer soles rubber/plastic, uppers textile, val <$3/pair, subj note 5 ch 64.
6404.11.61	Sports ftwear w/outr sole rubber/plastic & upper textile, val. >$3 but < $6.50/pr, w/soles fixed w/adhesives, not subj note 5 ch 64.
6404.11.69	Sports ftwear w/outr sole rubber/plastic & uppers textile, val. >$3 but <$6.50/pr, w/sole fixed w/adhesives subj note 5 ch 64.
6404.11.71	Sports ftwear w/outer soles rubber/plastic & uppers veg fiber, val.>$3 but <$6.50/pr, not subj note 5 ch 64.
6404.11.75	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >$3 but <$6.50/pr, not subj note 5 ch 64.
6404.11.79	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >$3 but <$6.50/pr, subj note 5 ch 64.
6404.11.81	Sports ftwear w/outer soles rubber/plastic & uppers veg fiber, val. >$6.50 but <$12/pr, not subj note 5 to ch 64.
6404.11.85	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >$6.50 but <$12/pr, not subj to note 5 ch 64.
6404.11.89	Sports ftwear w/outer soles rubber/plastics & uppers textile, val. >$6.50 but <$12/pr, subj note 5 ch 64.
6404.11.90	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >$12/pair.
6404.19.15	Ftwear w/outer soles rubber/plastic & uppers textile, nesoi, w/ext. surf. of uppers > 50% leather.
6404.19.20	Ftwear w/outer soles rubber/plastic & uppers textile, nesoi, designed to protect agst liquids, chemicals & weather.
6404.19.25	Ftwear w/outer soles rubber/plastic & upp. veg. fibers, nesoi, w/open toes/heels or slip-on, < 10% rub/plast by wt.
6404.19.30	Ftwear w/outer soles rubber/plastic & upp. textile, nesoi, w/open toes/heels or slip-on, <10% rub/plast by wt.
6404.19.36	Ftwear w/outer soles rub/plast & upp. veg fiber, nesoi, w/open toes/heels or slip-on, >10% by wt. rub./plast, subj note 5 ch 64.
6404.19.37	Ftwear w/outr soles rubber/plastic & upp. textile, nesoi, w/open toes/heels or slip-on, >10% by wt. of rub/plast, subj note 5 ch 64.
6404.19.39	Ftwear w/outr sole rub/plast & upp. textile, nesoi, w/open toes/heels or slip-on, >10% by wt. rub./plast not subj note 5 ch 64.
6404.19.42	Ftwear w/outr sole rub/plast. & upp. veg fiber, nesoi, val. <$3/pr, w/sole fixed to upp. w/adhesives & w/o foxing, not subj note 5 ch 64.
6404.19.47	Ftwear w/outr soles rub/plast & upp. textile, nesoi, val. <$3/pr, w/sole fixed to upper w/adhesives & w/o foxing, not subj note 5 ch 64.
6404.19.49	Ftwear w/outr sole rub./plast. & upp. textile, nesoi, val. <$3/pr, w/soles fixed to upper w/adhesives & w/o foxing subj note 5 ch 64.
6404.19.52	Ftwear w/outer soles rubber/plastic & upp. veg fiber, nesoi, val. <$3/pr, nesoi, not subj note 5 ch 64.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6404.19.57	Ftwear w/outr sole rub/plast./leather & upp. not veg fiber textile, nesoi, not sports, val. <$3/pr, not subj note 5 ch 64.
6404.19.59	Ftwear w/outr sole rub/plast./leather & upp. textile, nesoi, not sports, val. < $3/pr, subj note 5 ch 64.
6404.19.61	Ftwear w/outr sole rub/plast. & upp. textile, nesoi, val. >/$3 but <$6.50/pr, w/sole fixed to upp. w/adhesives, not subj note 5 ch 64.
6404.19.69	Ftwear w/outr sole rub/plast. & upp. textile, nesoi, val. >$3 but <$6.50/pr, w/sole fixed to upp. w/adhesives, subj note 5 ch 64.
6404.19.72	Ftwear w/outr sole rub/plast. & upper veg fiber, nesoi, val. >$3 but <$6.50/pr, nesoi, not subj note 5 ch 64.
6404.19.77	Footwear w/outer sole rub/plast. & upper textile, nesoi, val. o/$3 but n/o $6.50/pr, nesoi, not subj note 5 ch 64.
6404.19.79	Footwear w/outr sole rub/plast. & upper. textile, nesoi, val. o/$3 but n/o $6.50/pr, nesoi, subj note 5 ch 64.
6404.19.82	Footwear w/outer sole rub/plast. & upp. veg fiber, nesoi, val. o/$6.50 but n/o $12/pr, not subj note 5 ch 64.
6404.19.87	Footwear w/outer sole rub/plast. & upp. textile, nesoi, val. o/$6.50 but n/o $12/pr, not subj note 5 ch 64.
6404.19.89	Footwear w/outer soles rub/plast. & upp. textile, nesoi, val. o/$6.50 but n/o $12/pr, subj note 5 ch 64.
6404.19.90	Footwear w/outer soles of rub./plast. & upp. of textile, nesoi, val. o/$12/pr.
6404.20.20	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. n/o $2.50/pr.
6404.20.40	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. o/ $2.50/pr.
6404.20.60	Footwear w/outer soles of leather/comp. leather & uppers of textile, nesoi.
6405.10.00	Footwear, nesoi, w/outer soles of other than rubber/plastics/leather/comp.leather & uppers of leather/composition leather, nesoi.
6405.20.30	Footwear, nesoi, w/outer soles of other than rubber/plastics/leather/comp.leather & uppers of vegetable fibers, nesoi.
6405.20.60	Footwear, nesoi, with soles and uppers of wool felt.
6405.20.90	Footwear, nesoi, w/outer sole other than rubber/plastics/leather/comp. leather & upper of text. material other than veg. fibers or wool felt.
6405.90.20	Disposable footwear, nesoi, designed for one-time use.
6405.90.90	Footwear, nesoi, w/outer soles and uppers o/than leather or comp. leather, not disposible.
6406.10.05	Formed uppers for footwear, of leather/composition leather, for men, youths and boys.
6406.10.10	Formed uppers for footwear, of leather/composition leather, for women, misses, children and infants.
6406.10.20	Formed uppers for footwear, of textile materials, w/o 50% of external surface leather.
6406.10.25	Formed uppers for footwear, of textile materials, nesoi, valued n/o $3/pr.
6406.10.30	Formed uppers for footwear, of textile materials, nesoi, valued o/$3 but n/o $6.50/pr.
6406.10.35	Formed uppers for footwear, of textile materials, nesoi, valued o/$6.50 but n/o $12/pr.
6406.10.40	Formed uppers for footwear, of textile materials, nesoi, valued o/$12/pr.
6406.10.45	Formed upper for footwear, of materials other than leather/comp.leather or textile, w/over 90% of ext. surf. rub./plast. not for fw w/foxing.
6406.10.50	Formed uppers for footwear, of materials other than leather/comp.leather or textile materials, nesoi.
6406.10.60	Uppers & pts. thereof for footwear, nesoi, of rubber or plastics.
6406.10.65	Uppers & pts. thereof for footwear, nesoi, of leather.
6406.10.70	Uppers & pts. thereof for footwear, nesoi, of textile materials w/external surface area over 50% leather.
6406.10.72	Uppers for footwear, nesoi, of cotton, w/external surface area less than 50% textile materials.
6406.10.77	Uppers & pts. thereof for footwear, nesoi, of cotton, w/external surface area 50% or more of textile materials.
6406.10.85	Uppers for footwear, nesoi, of materials nesoi, w/external surface area less than 50% textile materials.
6406.10.90	Uppers & pts. thereof for footwear, nesoi.
6406.20.00	Outer soles and heels for footwear, of rubber or plastics.
6406.90.10	Parts of footwear, nesoi, of wood.
6406.90.15	Parts of footwear; nesoi, removable insoles, heel cushions, gaiters, leggings, etc, & pts. thereof; all the foregoing of textile materials.
6406.90.30	Parts of footwear, nesoi; removable insoles, heel cushions, etc; gaiters, leggings, etc., & pts. thereof; all the foregoing of rubber/plastic.
6406.90.60	Parts of footwear; nesoi, removable insoles, heel cushions, etc; gaiters, leggings, etc, & pts. thereof; all the foregoing of leather.
6406.90.90	Parts of footwear, nesoi; removable insoles, heel cushions, etc; gaiters, leggings, etc, & pts thereof; all the foregoing of materials nesoi.
6505.00.01	Hair-nets of any material, whether or not lined or trimmed.
6506.10.30	Safety headgear of reinforced or laminated plastics, whether or not lined or trimmed.
6506.10.60	Safety headgear, other than of reinforced or laminated plastics, whether or not lined or trimmed.
6601.10.00	Garden or similar umbrellas.
6601.91.00	Umbrellas, other than garden or similar umbrellas, having a telescopic shaft.
6601.99.00	Umbrellas, other than garden or similar umbrellas, not having a telescopic shaft.
6602.00.00	Walking-sticks, seat-sticks, whips, riding-crops and the like.
6603.20.30	Umbrella frames, including frames mounted on shafts (sticks), for hand-held umbrellas chiefly used for protection against rain.
6603.20.90	Umbrella frames, including frames mounted on shafts (sticks), other than for hand-held rain umbrellas, nesoi.
6603.90.41	Umbrella handles, knobs, tips and caps.
6603.90.81	Handles, knobs, other parts, trimmings or accessories for walking sticks, seat-sticks, whips, riding crops and the like.
6702.10.20	Artificial flowers/foliage/fruit; articles of art. flowers, etc.; all of plastics, asmbld by binding/gluing/or similar methods.
6702.10.40	Artificial flowers/foliage/fruit & pts of; articles of art. flowers, etc.; all of plastics, not asmbld by binding/gluing/or similar methods.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
6702.90.10	Artificial flowers/foliage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of feathers.
6702.90.35	Artificial flowers/foliage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of man-made fibers.
6702.90.65	Artificial flowers/foliage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of materials o/than plast./feath./mmf.
6703.00.30	Human hair, dressed, thinned, bleached or otherwise worked, for use in making wigs or the like.
6703.00.60	Wool or other animal hair or other textile materials, prepared for use in making wigs or the like.
6704.11.00	Wigs (complete), of synthetic textile materials.
6704.19.00	Wigs (partial), false beards, eyebrows and the like, of synthetic textile materials.
6704.20.00	Wigs, false beards, eyebrows and the like, of human hair; articles of human hair, nesoi.
6704.90.00	Wigs, false beards, eyebrows and the like, of animal hair or textile materials (other than synthetic textiles).
6910.10.00	Porcelain or china ceramic sinks, washbasins, baths, bidets, water closet bowls, urinals & siml. sanitary fixtures.
6910.90.00	Ceramic (o/than porcelain or china) sinks, washbasins, baths, bidets, water closet bowls, urinals & siml. sanitary fixtures.
6911.10.10	Porcelain or china hotel, restaurant & nonhousehold table and kitchenware.
6911.10.15	Bone china household table & kitchenware valued n/o $31.50/doz. pcs.
6911.10.25	Bone china household table & kitchenware valued o/$31.50/doz. pcs..
6911.10.35	Porcelain or china (o/than bone china) househld tabl. & kitch.ware in sets in which aggregate val. of arts./US note 6(b) n/o $56.
6911.10.37	Porcelain or china (o/than bone china) househld tabl. & kitch.ware in sets in which aggregate val. of arts./US note 6(b) o/$56 n/o $200.
6911.10.38	Porcelain or china (o/than bone china) househld tabl. & kitch.ware in sets in which aggregate val. of arts./US note 6(b) o/$200.
6911.10.41	Porcelain or china (o/than bone china) hsehld steins w/pewter lids, decanters, punch bowls, spoons & rests, salt/pepper sets, etc.
6911.10.45	Porcelain or china (o/than bone china) household mugs and steins w/o attached pewter lids.
6911.10.52	Porcelain or china (o/than bone china) hsehld tabl/kit.ware n/in specif.sets,cups o/$8 but n/o $29/dz, saucers o/$5.25 but n/o $18.75/dz,etc.
6911.10.58	Porcelain or china (o/than bone china) hsehld tabl/kit ware n/in specif. sets, cups o/$29/dz, saucers o/$18.75/dz, bowls o/$33/dz, etc.
6911.10.60	Porcelain or china (o/than bone china) household serviette rings.
6911.10.80	Porcelain or china (o/than bone china) household tableware & kitchenware, not in specified sets, nesoi.
6911.90.00	Porcelain or china (o/than bone china) household and toilet articles (other than tableware or kitchenware), nesoi.
6912.00.10	Course-grained earthen/stoneware tabl & kitchware; fine-grain earthenware tabl & kitch.ware w/reddish body & lustrous colored/mottled glaze.
6912.00.20	Ceramic (o/than porcelain or china) hotel, restaurant or nonhousehold tableware and kitchenware.
6912.00.35	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./US 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./US 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.
6913.10.10	Porcelain or china statues, statuettes & handmade flowers, valued o/$2.50 each, of original work by professional sculptors.
6913.10.20	Bone china statuettes and other ornamental articles, nesoi.
6913.10.50	Porcelain or china (o/than bone china) statuettes and other ornamental articles, nesoi.
6913.90.10	Ceramic (o/than porcelain or china) statues, statuettes, handmade flowers, val. o/$2.50 each, of original work by professional sculptors.
6913.90.20	Ornamental articles of ceramic tile.
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.
7013.10.10	Transparent glass-ceramic kitchenware 75% by vol. crystallilne, of lithium aluminosilicate, w/low lin. coefficient of expansion.
7013.10.50	Glass-ceramic ware of a kind used for household, office, indoor decoration or similar purposes, nesoi.
7013.22.10	Stemware drinking glasses of lead crystal, valued n/over $1 each.
7013.22.20	Stemware drinking glasses of lead crystal, valued o/$1 but n/over $3 each.
7013.22.30	Stemware drinking glasses of lead crystal, valued o/$3 but n/over $5 each.
7013.22.50	Stemware drinking glasses of lead crystal, valued over $5 each.
7013.28.05	Stemware of pressed and toughened (specially tempered) glass, o/than lead crystal.
7013.28.10	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued n/over $0.30 each.
7013.28.20	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued o/$0.30 but n/over $3 each.
7013.28.30	Stemware, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued o/$3 but n/over $5 each.
7013.28.40	Stemware, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued over $5 each.
7013.28.50	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued o/$3 but n/over $5 each.
7013.28.60	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over $5 each.
7013.33.10	Drinking glasses, nesoi, of lead crystal, valued n/over $1 each.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7013.33.20	Drinking glasses, nesoi, of lead crystal, valued o/$1 but n/over $3 each.
7013.33.30	Drinking glasses, nesoi, of lead crystal, valued o/$3 but n/over $5 each.
7013.33.50	Drinking glasses, nesoi, of lead crystal, valued over $5 each.
7013.37.05	Drinking glasses, nesoi, of pressed and toughened (specially tempered) glass, o/than lead crystal.
7013.37.10	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, valued n/over $0.30 each.
7013.37.20	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, valued o/$0.30 but n/over $3 each.
7013.37.30	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued o/$3 but n/over $5 each.
7013.37.40	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued over $5 each.
7013.37.50	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued o/$3 but n/over $5 each.
7013.37.60	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over $5 each.
7013.41.10	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued n/over $1 each.
7013.41.20	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over $1 but n/over $3 each.
7013.41.30	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over $3 but n/over $5 each.
7013.41.50	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over $5 each.
7013.42.10	Glassware for table or kitchen purposes (o/than drinking glasses), of pressed and toughened low coefficient of heat expansion glass.
7013.42.20	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion glass, n/o $3 each.
7013.42.30	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion glass, over $3 but n/o $5 each.
7013.42.40	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion, over $5 each.
7013.49.10	Glassware for table or kitchen purposes (o/than drinking glasses), of pressed and toughened glass, nesoi.
7013.49.20	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, valued n/over $3 each.
7013.49.30	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, cut or engraved, valued over $3 but n/over $5 each.
7013.49.40	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, cut or engraved, valued over $5 each.
7013.49.50	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, n/cut or engraved, valued over $3 but n/o $5 each.
7013.49.60	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, n/cut or engraved, valued over $5 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.
7013.91.30	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over $3 but n/over $5 each.
7013.91.50	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over $5 each.
7013.99.10	Glassware, nesoi, decorated/colored within the body prior to solidification; millefiori glassware; glassware colored & w/bubbles etc.
7013.99.20	Glassware for toilet/office/indoor decor. & similar purposes, of pressed and toughened (specially tempered) glass.
7013.99.30	Smokers' articles of glass, nesoi; perfume bottles of glass fitted with ground glass stoppersk, nesoi.
7013.99.35	Votive-candle holders of glass, nesoi.
7013.99.40	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, valued n/over $0.30 each.
7013.99.50	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, valued over $0.30 but n/over $3 each.
7013.99.60	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, cut or engraved, valued over $3 but n/over $5 each.
7013.99.70	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, cut or engraved, valued over $5 each.
7013.99.80	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over $3 but n/over $5 each.
7013.99.90	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over $5 each.
7015.10.00	Glasses, curved, bent, hollowed, or the like (but not optically worked), for corrective spectacles.
7015.90.10	Watch glasses, round.
7015.90.20	Watch glasses, not round.
7015.90.50	Clock glasses; glasses curved, bent, hollowed, etc. for noncorrective spectacles; hollow spheres & segments for glasses; all n/opt. wkd.
7018.90.10	Glass eyes, except prosthetic articles.
7019.19.30	Glass fiber chopped strands of a length more than 50 mm.
7019.40.90	Woven glass fiber fabrics of rovings, o/30 cm wide, colored, other than fiberglass tire cord fabric.
7101.10.30	Natural pearls, graded and temporarily strung for convenence of transport.
7101.10.60	Natural pearls, not strung, mounted or set.
7101.21.00	Cultured pearls, unworked.
7101.22.30	Cultured pearls, worked, graded and temporarily strung for convenience of transport.
7101.22.60	Cultured pearls, worked, not strung, mounted or set.
7102.10.00	Diamonds, unsorted, whether or not worked.
7102.31.00	Nonindustrial diamonds, unworked or simply sawn, cleaved or bruted.
7102.39.00	Nonindustrial diamonds, worked, but not mounted or set.
7103.10.20	Precious stones (o/than diamonds) & semiprecious stones, unworked.
7103.10.40	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped.
7103.91.00	Rubies, sapphires and emeralds, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mounted or set.
7103.99.10	Precious or semiprecious stones, nesoi, cut but not set and suitable for use in the manufacture of jewelry.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7103.99.50	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set.
7104.10.00	Piezo-electric quartz.
7104.20.00	Synthetic or reconstructed precious or semiprecious stones, unworked or simply sawn or roughly shaped.
7104.90.10	Synthetic or reconstructed precious or semiprecious stones, cut but not set & suitable for use in the manufacture of jewelry.
7104.90.50	Synth.or reconstruct. precious or semiprecious stones, wkd, whether or not graded, but n/strung (ex.ungraded temp. strung), mtd./set,nesoi.
7113.11.10	Silver rope, curb, etc. in continuous lengths, whether or not plated/clad with other precious metal, suitable for jewelry manufacture.
7113.11.20	Silver articles of jewelry and parts thereof, nesoi, valued not over $18 per dozen pieces or parts.
7113.11.50	Silver articles of jewelry and parts thereof, nesoi, valued over $18 per dozen pieces or parts.
7113.19.10	Precious metal (o/than silver) rope, curb, etc. in continuous lengths, whether or not plated/clad precious metal, for jewelry manufacture.
7113.19.21	Gold rope necklaces and neck chains.
7113.19.25	Gold mixed link necklaces and neck chains.
7113.19.29	Gold necklaces and neck chains (o/than of rope or mixed links).
7113.19.30	Precious metal (o/than silver) clasps and parts thereof.
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereo, whether or not plated or clad with precious metal,nesoi.
7113.20.10	Base metal clad w/precious metal, rope, curb & like articles in continuous lengths, suitable for use in jewelry manufacture.
7113.20.21	Base metal clad w/gold rope necklaces and neck chains.
7113.20.25	Base metal clad w/gold mixed link necklaces and neck chains.
7113.20.29	Base metal clad w/gold necklaces and neck chains, nesoi.
7113.20.30	Base metal clad w/precious metal clasps and parts thereof.
7113.20.50	Base metal clad w/precious metal articles of jewelry and parts thereof, nesoi.
7116.10.10	Natural pearl articles.
7116.10.25	Cultured pearl articles.
7116.20.05	Jewelry articles of precious or semiprecious stones, valued not over $40 per piece.
7116.20.15	Jewelry articles of precious or semiprecious stones, valued over $40 per piece.
7116.20.30	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport.
7116.20.35	Semiprecious stone (except rock crystal) figurines.
7116.20.40	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines).
7116.20.50	Precious stone articles,nesoi.
7117.11.00	Cuff links and studs of base metal (whether or not plated w/precious metal).
7117.19.05	Toy jewelry rope, curb, cable, chain, etc, of base metal (whether or not plated w/prec. metal), val. n/o 8 cents each.
7117.19.15	Rope, curb, cable, chain, etc., of base metal (whether or n/plated w/prec. metal), val. n/over 33 cents/meter for jewelry mfr.
7117.19.20	Rope, curb, cable, chain, etc., of base metal (whether or n/plated w/prec. metal), val. o/33 cents/meter, for jewelry mfr.
7117.19.30	Religious articles of a devotional character, design. to be carried on the person, of base metal (whether or not plated with precious metal).
7117.19.60	Toy jewelry (o/than rope, curb, cable, chain, etc.) of base metal, val. not over 8 cents each.
7117.19.90	Imitation jewelry (o/than toy jewelry & rope, curb, cable, chain, etc.), of base metal (wheth. or n/plated w/prec.metal), nesoi.
7117.90.10	Necklaces wholly of plastic shapes on a fiber string, valued not over 30 cents per dozen.
7117.90.20	Rosaries and chaplets of a purely devotional character for personal use, of a material o/than prec. or base metals, nesoi.
7117.90.30	Religious articles of a purely devotional character designed to be carried on the person, nesoi.
7117.90.45	Toy jewelry (except pts.), other than necklaces of plastic shapes, not of base metal, n/o 20 cents/dozen pcs.
7117.90.55	Imitation jewelry nesoi, not of base metal, n/o 20 cents/doz. pcs or pts.
7117.90.60	Toy jewelry (except pts.), not of base metal, n/o 8 cents each.
7117.90.75	Imitation jewelry of plastics, nesoi, over 20 cents/dozen pcs or pts.
7117.90.90	Imitation jewelry not of base metal or plastics, nesoi, over 20 cents/dozen pcs or pts.
7118.10.00	Coin (other than gold coin), not being legal tender.
7118.90.00	Coins, nesoi.
7206.10.00	Iron and nonalloy steel ingots.
7206.90.00	Iron and nonalloy steel in primary forms (o/than ingots).
7207.11.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect.(incl. sq.), w/width less than twice thickness.
7207.12.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect. (exclud. sq.), nesoi.
7207.19.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, o/than w/rect. cross section.
7207.20.00	Iron or nonalloy steel semifinished products, w/0.25% or more of carbon.
7208.10.15	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/patterns in relief, in coils, pickled, not clad/plated/coated.
7208.10.30	Iron/nonalloy steel,width 600mm+,hot-rolled flat-rolled product,in coil,w/pattern in relief,w/thick 4.75mm+,not pickld,not clad/plated/coatd.
7208.10.60	Iron/nonalloy steel,width 600mm+,hot-rolled flat-rolled product,in coil,w/pattern in relief,w/thick <4.75mm,not pickld,not clad/plated/coatd.
7208.25.30	Nonalloy hi-strength steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+, pickled, not clad/plated/coated.
7208.25.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.7mm or more, pickled, not clad/plated/coated.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7208.26.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or mor but less 4.75mm, pickled, not clad/plated.
7208.27.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, pickled, not clad/plated/coated.
7208.36.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick o/10mm, not pickled/clad/plated/coated.
7208.37.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm or more & n/o 10mm, not pickled/clad/plated.
7208.38.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or more & less 4.75mm, not pickld/clad/plated.
7208.39.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, not pickled/clad/plated/coated.
7208.40.30	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief,not coils,w/thick 4.75 or more, n/clad/plated/coated.
7208.40.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief,not coils,w/thick < 4.75mm, not clad/plated/coated.
7208.51.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not in coils, w/thick o/10mm, not clad/plated/coated.
7208.52.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick 4.75mm+ but n/o 10mm, not clad/plated/.
7208.53.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick 3mm+ but < 4.75mm, not clad/plated/coated.
7208.54.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick less than 3mm, not clad/plated/coated.
7208.90.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not clad/plated/coated.
7209.15.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 3mm+, not clad/plated/coated.
7209.16.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick o/1mm but less than 3mm, not clad/plated/coated.
7209.17.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.5mm or more but n/o 1mm, not clad/plated/coated.
7209.18.15	Nonalloy hi-strength steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.5mm, not clad/plated/coated.
7209.18.25	Nonalloy steel(blackplate), width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.361mm, not clad/plated/coated.
7209.18.60	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.361mm+ but less 5mm, not clad/plated/coated.
7209.25.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick 3mm or more, not clad/plated/coated.
7209.26.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick o/1mm but less than 3mm, not clad/plated/coated.
7209.27.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick 0.5mm+ but n/o 1mm, not clad/plated/coated.
7209.28.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick less than 0.5mm, not clad/plated/coated.
7209.90.00	Iron/nonalloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, not clad/plated/coated, nesoi.
7210.11.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, w/thick. 0.5 mm or more.
7210.12.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, less than 0.5 mm thick.
7210.20.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with lead, including terneplate.
7210.30.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, electrolytically plated or coated with zinc.
7210.41.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with zinc (other than electrolytically), corrugated.
7210.49.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with zinc (other than electrolytically), not corrugated.
7210.50.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with chromium oxides or with chromium and chromium oxides.
7210.61.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum-zinc alloys.
7210.69.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum o/than aluminum-zinc alloy.
7210.70.30	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic but not plated/coated or clad w/metal.
7210.70.60	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic, nesoi.
7210.90.10	Iron/nonalloy steel, width 600mm+, flat-rolled products, clad.
7210.90.60	Iron/nonalloy steel, width 600mm+, flat-rolled products, electrolytically coated or plated with base metal, nesoi.
7210.90.90	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated, nesoi.
7211.13.00	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled universal mill plate, not clad/plated/coated.
7211.14.00	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled products, nesoi, w/thick of 4.75mm or more, not clad/plated/coated.
7211.19.15	Nonalloy hi-strength steel, width less th/300mm, hot-rolled flat-rolled products, not clad/plated/coated.
7211.19.20	Iron/nonalloy steel, neosi, width less th/300mm, hot-rolled flat-rolled products, w/thick o/1.25 mm but n/o 4.75 mm, n/clad/plated/coated.
7211.19.30	Iron/nonalloy steel, neosi, width less th/300mm, hot-rolled flat-rolled products, w/thick 1.25mm or less, not clad/plated/coated.
7211.19.45	Nonalloy hi-strength steel, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not clad/plated/coated.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
7211.19.60	Iron/nonalloy steel, neosi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, pickled, not clad/plated/coated.
7211.19.75	Iron/nonalloy steel, neosi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not pickled, not clad/plated/coated.
7211.23.15	Nonalloy hi-strength steel, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated.
7211.23.20	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated.
7211.23.30	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/0.25mm n/o 1.25mm, not clad/plated.
7211.23.45	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick n/o 0.25mm, not clad/plated/coated.
7211.23.60	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, cold-rolled flat-rolled, <0.25% carbon, not clad/plated/coated.
7211.29.20	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon, w/thick o/0.25mm, not clad/plated/coated.
7211.29.45	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon, w/thick 0.25mm or less, not clad/plated/coated.
7211.29.60	Iron/nonalloy steel, width 300mm+ but less th/600mm, cold-rolled flat-rolled, w/0.25% or more carbon, not clad/plated/coated.
7211.90.00	Iron/nonalloy steel, width less th/600mm, flat-rolled further worked than cold-rolled, not clad, plated or coated.
7212.10.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated with tin.
7212.20.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, electrolytically plated or coated with zinc.
7212.30.10	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated with zinc (other than electrolytically), w/thick o/0.25mm.
7212.30.30	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated w/zinc (other than electrolytically), w/thick 0.25mm or less.
7212.30.50	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, plated or coated with zinc (other than electrolytically).
7212.40.10	Iron/nonalloy steel, width less th/300mm, flat-rolled products, painted, varnished or coated w/plastic.
7212.40.50	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, painted, varnished or coated w/plastic.
7212.50.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated nesoi.
7212.60.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, clad.
7213.10.00	Iron/nonalloy, concrete reinforcing bars and rods in irregularly wound coils, hot-rolled.
7213.20.00	Free-cutting steel, bars and rods in irregularly wound coils, hot-rolled.
7213.91.30	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, n/tempered/treated/partly mfd.
7213.91.45	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, w/0.6%+ of carbon, nesoi.
7213.91.60	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, w/less th/0.6% carbon, nesoi.
7213.99.00	Iron/nonalloy steel, nesoi, hot-rolled bars & rods, w/cir. x-sect. diam 14+mm or non-circ. x-sect., in irregularly wound coils, nesoi.
7214.10.00	Iron/nonalloy steel, forged bars and rods, not in coils.
7214.20.00	Iron/nonalloy steel, concrete reinforcing bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, n/coils.
7214.30.00	Free-cutting steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, n/coils, nesoi.
7214.91.00	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, w/rectangular (o/than square) X-section.
7214.99.00	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, w/non-rectangular X-sect, not in coils.
7215.10.00	Free-cutting steel, bars and rods, not further worked than cold-formed or cold-finished, not in coils.
7215.50.00	Iron/nonalloy steel nesoi, bars and rods, not further wkd. than cold-formed or cold-finished, not in coils.
7215.90.10	Iron/nonalloy steel, bars and rods, not cold-formed, plated or coated with metal.
7215.90.30	Iron/nonalloy steel, bars and rods, cold-formed, plated or coated with metal.
7215.90.50	Iron/nonalloy steel, bars and rods, further worked than cold-formed or cold-finished, nesoi.
7216.10.00	Iron/nonalloy steel, U,I or H-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm.
7216.21.00	Iron/nonalloy steel, L-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm.
7216.22.00	Iron/nonalloy steel, T-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm.
7216.31.00	Iron/nonalloy steel, U-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height of 80 mm or more.
7216.32.00	Iron/nonalloy steel, I-sections (standard beams), not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more.
7216.33.00	Iron/nonalloy steel, H-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more.
7216.40.00	Iron/nonalloy steel, L or T-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more.
7216.50.00	Iron/nonalloy steel, angles, shapes & sections nesoi, not further worked than hot-rolled, hot-drawn or extruded.
7216.99.00	Iron/nonalloy steel, angles, shapes & sections nesoi, further wkd. than cold-formed or cold-finished and not from flat-rolled products.
7217.10.10	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick n/o 0.25 mm.
7217.10.20	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick o/0.25mm but n/o 1.25 mm.
7217.10.30	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick o/1.25 mm.
7217.10.40	Iron/nonalloy steel, round wire, <0.25% carbon, not plated or coated, w/diameter less than 1.5 mm.
7217.10.50	Iron/nonalloy steel, round wire, <0.25% carbon, not plated or coated, w/diameter of 1.5 mm or more.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7217.10.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, not plated or coated.
7217.10.70	Iron/nonalloy steel, flat wire, w/0.25% or more carbon, not plated or coated.
7217.10.80	Iron/nonalloy steel, round wire, w/0.25% or more carbon, not plated or coated.
7217.10.90	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, not plated or coated.
7217.20.15	Iron/nonalloy steel, flat wire, plated or coated with zinc.
7217.20.30	Iron/nonalloy steel, round wire, <0.25% carbon, plated or coated with zinc, w/diameter of 1.5 mm or more.
7217.20.45	Iron/nonalloy steel, round wire, w/0.25% or more carbon and/or <1.5mm diam, plated or coated with zinc.
7217.20.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with zinc.
7217.20.75	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, plated or coated with zinc.
7217.30.15	Iron/nonalloy steel, flat wire, plated or coated with base metal other than zinc.
7217.30.30	Iron/nonalloy steel, round wire, <0.25% carbon, plated or coated with base metal other than zinc, w/diam. of 1.5 mm or more.
7217.30.45	Iron/nonalloy steel, round wire, w/0.25% or more carbon and/or <1.5mm diam, plated or coated with base metal other than zinc.
7217.30.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with base metal other than zinc.
7217.30.75	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, plated or coated with base metal other than zinc.
7217.90.10	Iron/nonalloy steel, wire, coated with plastics.
7217.90.50	Iron/nonalloy steel, wire, plated or coated with materials other than base metals or plastics.
7218.10.00	Stainless steel, ingots and other primary forms.
7218.91.00	Stainless steel, semifinished products of rectangular (other than square) cross-section.
7218.99.00	Stainless steel, semifinished products, other than of rectangular (other than square) cross-section.
7219.11.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness o/10 mm.
7219.12.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 4.75 mm or more but n/o 10 mm.
7219.13.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 3 mm or more but less than 4.75 mm.
7219.14.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness less than 3 mm.
7219.21.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness o/10 mm.
7219.22.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 4.75 mm or more but n/o 10 mm.
7219.23.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 3 mm or more but less than 4.75 mm.
7219.24.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness less than 3 mm.
7219.31.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 4.75 mm or more.
7219.32.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 3 mm or more but less than 4.75 mm.
7219.33.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness o/1 mm but less than 3 mm.
7219.34.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 0.5 mm or more but n/o 1 mm.
7219.35.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of less than 0.5 mm.
7219.90.00	Stainless steel, width 600mm+, flat-rolled products, nesoi, further worked than cold-rolled.
7220.11.00	Stainless steel, width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more.
7220.12.10	Stainless steel, width 300m+ but less th/600mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm.
7220.12.50	Stainless steel, width less th/300mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm.
7220.20.10	Stainless steel, width 300+ but less th/600mm, cold-rolled flat-rolled products.
7220.20.60	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/thickness o/1.25 mm.
7220.20.70	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/thickness of 0.25 mm but n/o 1.25 mm.
7220.20.80	Stainless razor blade steel, width less th/300mm, cold-rolled flat-rolled, w/thickness n/o 0.25 mm.
7220.20.90	Stainless steel (o/than razor blade steel), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm.
7220.90.00	Stainless steel, width less th/600mm, flat-rolled products further worked than cold-rolled.
7221.00.00	Stainless steel, bars and rods in irregularly wound coils, hot-rolled.
7222.11.00	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, of circular cross-section.
7222.19.00	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, other than of circular cross-section.
7222.20.00	Stainless steel, bars and rods, not further worked than cold-formed or cold-finished, nesoi.
7222.30.00	Stainless steel, bars and rods, further worked than cold-formed or cold-finished, nesoi.
7222.40.30	Stainless steel, angles, shapes & sections, hot-rolled, not drilled/punched or otherwise advanced.
7222.40.60	Stainless steel, angles, shapes & sections, other than hot-rolled and not drilled/punched or otherwise advanced.
7223.00.10	Stainless steel, round wire.
7223.00.50	Stainless steel, flat wire.
7223.00.90	Stainless steel, wire (other than round or flat wire).
7224.10.00	Alloy (o/than stainless) steel, ingots and other primary forms.
7224.90.00	Alloy (o/than stainless) steel, semifinished products.
7225.11.00	Alloy silicon electrical steel (grain-oriented), width 600mm+, flat-rolled products.
7225.19.00	Alloy silicon electrical steel (other than grain-oriented), width 600mm+, flat-rolled products.
7225.30.11	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of 4.75 mm or more.
7225.30.30	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+.
7225.30.51	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of less than 4.75 mm.
7225.30.70	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., in coils, w/thick less 4.75mm.
7225.40.11	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick. of 4.75 mm or more.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7225.40.30	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick 4.75mm+.
7225.40.51	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick. of less than 4.75 mm.
7225.40.70	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., n/coils, w/thick less 4.75mm.
7225.50.11	Alloy tool steel, width 600mm+, cold-rolled flat-rolled products.
7225.50.60	Alloy steel (o/than tool), width 600mm+, cold-rolled flat-rolled products, w/thickness 4.75 mm or more.
7225.50.70	Alloy heat-resisting steel, width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm.
7225.50.80	Alloy steel (o/th heat-resisting), width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm.
7225.91.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, electrolytically plated or coated with zinc.
7225.92.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, plated or coated with zinc (o/than electrolytically).
7225.99.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, nesoi.
7226.11.10	Alloy silicon electrical steel (grain-oriented), width 300mm+ but less th/600mm, flat-rolled products.
7226.11.90	Alloy silicon electrical steel (grain-oriented), width less th/300mm, flat-rolled products.
7226.19.10	Alloy silicon electrical steel (o/than grain-oriented), width 300mm+ but less th/600mm, flat-rolled products.
7226.19.90	Alloy silicon electrical steel (o/than grain-oriented), width less th/300mm, flat-rolled products.
7226.20.00	Alloy high-speed steel, width less th/600mm, flat-rolled products of high-speed steel.
7226.91.05	Alloy chipper knife tool steel (o/than hi-speed), width less th/600mm, hot-rolled flat-rolled products.
7226.91.15	Alloy tool steel (o/than hi-speed/chipper knife), width 300mm+ but less th/600mm, hot-rolled flat-rolled products.
7226.91.25	Alloy tool steel (o/than hi-speed/chipper knife), width less th/300mm, hot-rolled flat-rolled products.
7226.91.50	Alloy steel (o/than silicon elect./tool), width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more.
7226.91.70	Alloy steel (o/than silicon elect./tool), width 300mm+ but less th/600mm, hot-rolled flat-rolled products, w/thickness less than 4.75 mm.
7226.91.80	Alloy steel (o/than silicon elect./tool), width less th/300mm, hot-rolled flat-rolled products, w/thickness less than 4.75 mm.
7226.92.10	Alloy tool steel (o/than hi-speed), width 300mm+ but less th/600mm, cold-rolled flat-rolled products.
7226.92.30	Alloy tool steel (o/than hi-speed), width less th/300mm, cold-rolled flat-rolled products.
7226.92.50	Alloy steel (o/than tool), width 300mm+ but less th/600mm, cold-rolled flat-rolled products.
7226.92.70	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm.
7226.92.80	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness o/0.25 mm.
7226.99.01	Alloy steel, width less than 600mm, flat-rolled products further worked than cold-rolled, nesoi.
7227.10.00	Alloy high-speed steel, bars and rods in irregularly wound coils, hmot-rolled.
7227.20.00	Alloy silico-manganese steel, bars and rods in irregularly wound coils, hot-rolled.
7227.90.10	Alloy tool steel (o/than hi-speed), bars & rods in irregular wound coils, hot-rolled, n/tempered, treated or partly manufactured.
7227.90.20	Alloy tool steel (o/than hi-speed), bars and rods in irregularly wound coils, hot-rolled, nesoi.
7227.90.60	Alloy steel (o/than hi-speed/silico-mang./tool) steel, bars and rods in irregularly wound coils, hot-rolled.
7228.10.00	Alloy high-speed steel, bars and rods, o/than hot-rolled and in irregularly wound coils.
7228.20.10	Alloy silico-manganese steel, bars and rods, not cold-formed, o/than hot-rolled and in irregularly wound coils.
7228.20.50	Alloy silico-manganese steel, bars and rods, cold formed, o/than hot-rolled and in irregularly wound coils.
7228.30.20	Alloy ball-bearing tool steel, bars and rods, not further worked than hot-rolled, hot-drawn or extruded.
7228.30.40	Alloy chipper knife tool steel, bars and rods, not cold-formed & not further worked than hot-rolled, hot-drawn or extruded.
7228.30.60	Alloy tool steel (o/than ball-bearing/chipper knife), bars and rods, not further worked than hot-rolled, hot-drawn or extruded.
7228.30.80	Alloy steel (o/than hi-speed, silico-mang./tool), bars and rods, not further worked than hot-rolled, hot-drawn or extruded.
7228.40.00	Alloy steel, bars and rods, not further worked than forged.
7228.50.10	Alloy tool steel (o/than hi-speed), bars and rods, not further worked than cold-formed or cold-finished.
7228.50.50	Alloy steel (o/than tool), bars and rods, not further worked than cold-formed or cold-finished.
7228.60.10	Alloy tool steel (o/than hi-speed), bars and rods, further worked than hot-rolled, forged, cold-formed or cold-finished.
7228.60.60	Alloy steel (o/than tool), bars and rods, further worked than hot-rolled, forged but not cold-formed.
7228.60.80	Alloy steel (o/than tool), bars and rods, cold-formed.
7228.70.30	Alloy steel, angles, shapes and sections, hot-rolled & not drilled/not punched and not otherwise advanced.
7228.70.60	Alloy steel, angles, shapes and sections, o/than hot-rolled & not drilled/punced and not otherwise advanced.
7228.80.00	Alloy steel hollow drill bars and rods.
7229.20.00	Alloy silico-manganese steel, wire.
7229.90.05	Alloy high-speed steel, wire.
7229.90.10	Alloy steel (o/than hi-speed/silico-mang.), flat wire.
7229.90.50	Alloy steel (o/than hi-speed/silico-mang.), round wire.
7229.90.90	Alloy steel (o/than hi-speed/silico-mang.), wire (o/than flat or round wire).
7301.10.00	Iron or steel sheet piling, whether or not drilled, punched or made from assembled elements.
7302.10.10	Iron or nonalloy steel, rails for railway or tramway tracks.
7302.10.50	Alloy steel, rails for railway or tramway tracks.
7302.40.00	Iron or steel, fish plates and sole plates for jointing or fixing rails.
7302.90.10	Sleepers (cross-ties) for railway or tramway track construction of iron or steel.
7302.90.90	Railway or tramway track construction material and other materials specialized for joing or fixing rails, of iron or steel, nesoi.
7304.11.00	Stainless steel, seamless line pipe used for oil or gas pipelines.
7304.19.10	Iron (o/than cast) or nonalloy steel, seamless line pipe used for oil and gas pipelines.
7304.19.50	Alloy (other than stainless) steel, seamless line pipe used for oil or gas pipelines.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7304.22.00	Stainless steel, seamless drill pipe, of a kind used in drilling for oil or gas.
7304.23.30	Iron (o/than cast) or nonalloy steel, seamless drill pipe, of a kind used in drilling for oil or gas.
7304.23.60	Alloy (other than stainless) steel, seamless drill pipe, of a kind used in drilling for oil or gas.
7304.24.30	Stainless steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas.
7304.24.40	Stainless steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas.
7304.24.60	Stainless steel, seamless tubing, of a kind used in drilling for oil or gas.
7304.29.10	Iron (o/than cast) or nonalloy steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas.
7304.29.20	Iron (o/than cast) or nonalloy steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas.
7304.29.31	Alloy (other than stainless) steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas.
7304.29.41	Alloy (other than stainless) steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas.
7304.29.50	Iron (o/than cast) or nonalloy, seamless tubing, of a kind used in drilling for oil or gas.
7304.29.61	Alloy (other than stainless) steel, seamless tubing, of a kind used in drilling for oil or gas.
7304.31.30	Iron (o/than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, hollow bars w/circular cross section.
7304.31.60	Iron (o/than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, tubes, pipes & hollow profiles, w/circular cross section, nesoi.
7304.39.00	Iron (o/than cast) or nonalloy steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow prof., w/circular cross sect., nesoi.
7304.41.30	Stainless steel, seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section & extern. diam less than 19mm.
7304.41.60	Stainless steel, seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section & extern. diam of 19mm or more.
7304.49.00	Stainless steel, seamless, not cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section.
7304.51.10	Alloy steel (o/than stainless), seamless, cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., for mfr of ball/roller bearings.
7304.51.50	Alloy steel (o/than stainless), seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section, nesoi.
7304.59.10	Alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc. w/circ. cross sect., for mfr ball/roller bearings.
7304.59.20	Alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc. w/circ. cross sect., for boilers, heaters, etc.
7304.59.60	Heat-resisting alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., nesoi.
7304.59.80	Alloy steel (o/than heat-resist or stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes and hollow prof., w/circ. cross sect., nesoi.
7304.90.10	Iron (o/than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness of 4 mm or more.
7304.90.30	Alloy steel (o/than stainless), seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness of 4 mm or more.
7304.90.50	Iron (o/than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness less than 4 mm.
7304.90.70	Alloy steel (o/than stainless), seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness less than 4 mm.
7305.11.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas.
7305.11.50	Alloy steel, seamed, circ. w/cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas pipelines.
7305.12.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas.
7305.12.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas pipelines.
7305.19.10	Iron or nonalloy steel, seamed, w/circ. cross sect.& ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas.
7305.19.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas pipelines.
7305.20.20	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas.
7305.20.40	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drill. for oil/gas.
7305.20.60	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas.
7305.20.80	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drilling for oil/gas.
7305.31.20	Steel, long. welded, w/circ. cross sect & ext. diam o/406.4mm, tapered pipes and tubes principally used as pts of illuminating arts.
7305.31.40	Iron or nonalloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/th used in oil/gas drill.etc.
7305.31.60	Alloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines.
7305.39.10	Iron or nonalloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/th used in oil/gas drill.etc.
7305.39.50	Alloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines.
7305.90.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/th used in oil/gas drill.etc.
7305.90.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/than used in oil/gas drill. or pipelines.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7306.11.00	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines.
7306.19.10	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines.
7306.19.51	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil an.
7306.21.30	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drilling for oil/gas.
7306.21.40	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind used in drilling for oil/gas.
7306.21.80	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas.
7306.29.10	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drill. oil/gas.
7306.29.20	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing kind used drill for oil/gas.
7306.29.31	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind us.
7306.29.41	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind.
7306.29.60	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas.
7306.29.81	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling.
7306.30.10	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm.
7306.30.30	Nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. of illum. arts.
7306.30.50	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, pipes, tubes & holl. prof., w/wall thick. of 1.65 mm or more.
7306.40.10	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm.
7306.40.50	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. of 1.65 mm or more.
7306.50.10	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. less th/1.65 mm.
7306.50.30	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. illum.
7306.50.50	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. of 1.65 mm+.
7306.61.10	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more.
7306.61.30	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more.
7306.61.50	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm.
7306.61.70	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm.
7306.69.10	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more.
7306.69.30	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more.
7306.69.50	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm.
7306.69.70	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm.
7306.90.10	Iron or nonalloy steel, seamed o/welded, w/non-circ. x-sect. or circ. x-sect. w/ext. diam. 406.4mm or less, tubes, pipes & hollow profiles.
7306.90.50	Alloy steel, seamed o/than welded, w/non-circ. x-sect or circ. x-sect w/ext. diam. 406.4mm or less, tubes, pipes and hollow profiles.
7317.00.10	Iron or steel, thumb tacks.
7318.16.00	Iron or steel, nuts.
7319.40.20	Iron or steel, safety pins.
7319.40.30	Iron or steel, dressmakers' or common pins.
7319.40.50	Iron or steel, pins (o/than safety pins, dressmakers' or common pins).
7319.90.10	Iron or steel, sewing, darning or embroidery needles.
7319.90.90	Iron or steel, knitting needles, bodkins, crochet hooks, embroidery stilettos and similar articles for use in the hand.
7320.20.10	Iron or steel, helical springs, suitable for motor-vehicle suspension.
7320.20.50	Iron or steel, helical springs (o/than suitable for motor-vehicle suspension).
7321.12.00	Iron or steel, non-electric domestic cooking appliances and plate warmers, for liquid fuels.
7321.19.00	Iron or steel, non-electric domestic cooking appliances and plate warmers, o/than for gas or liquid fuels.
7321.81.10	Iron or steel, portable non-electric domestic grates & warming appl. (o/cooking/plate warmers), for gas fuel or both gas and other fuels.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
7321.81.50	Iron or steel, nonportable non-electric domestic grates & warming appl. (o/than cooking/plate warmers), for gas fuel/both gas & other fuels.
7321.82.10	Iron or steel, portable non-electric domestic grates & warming appliances (o/than cooking/plate warmers) for liquid fuels.
7321.82.50	Iron or steel, nonportable non-electric domestic grates & warming appliances (o/than cooking/plate warmers), for liquid fuels.
7321.89.00	Iron or steel, non-electric domestic grates & warming appliances (o/than cooking/plate warmers), o/than for gas or liquid fuels.
7323.91.10	Cast iron, table, kitchen or o/household arts. and parts thereof, not enameled but coated or plated with precious metals.
7323.91.50	Cast iron, table, kitchen or o/household arts. and parts thereof, not enameled & not coated or plated with precious metals.
7323.92.00	Cast iron, table, kitchen or o/household arts. and parts thereof, enameled.
7323.93.00	Stainless steel, table, kitchen or o/household arts. and parts thereof.
7323.94.00	Iron (o/than cast) or steel (o/than stainless), table, kitchen or o/household arts. and parts thereof, enameled.
7323.99.10	Iron (o/th cast) or steel (o/th stainless), table, kitchen or o/household arts. & parts thereof, not enameled but plated/coat. w/silver.
7323.99.30	Iron (o/th cast)/steel (o/th stainless), table/kitchen/household arts. & parts thereof, not enameled but plated/coat. w/prec metal o/silver.
7323.99.50	Tinplate, table, kitchen or o/household arts. & parts thereof, not coated or plated w/precious metal.
7323.99.70	Iron (o/th cast) or steel (o/than tinplate or stainless), cookingware, not coated or plated with precious metal.
7324.29.00	Iron (o/than cast) or steel, baths (whether or not enameled).
7418.10.00	Copper & copper alloy table, kitchen, household articles & parts; pot scourers, scouring & polishing pads, gloves, etc.
7601.10.30	Aluminum (o/than alloy), unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm.
7601.10.60	Aluminum (o/than alloy), unwrought nesoi.
7601.20.30	Aluminum alloys, unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm.
7601.20.60	Aluminum alloys, w/25% or more by weight of silicon, unwrought nesoi.
7601.20.90	Aluminum alloys nesoi, unwrought nesoi.
7604.10.10	Aluminum (o/than alloy), profiles.
7604.10.30	Aluminum (o/than alloy), bar and rods, with a round cross section.
7604.10.50	Aluminum (o/than alloy), bar and rods, other than with a round cross section.
7604.21.00	Aluminum alloy, hollow profiles.
7604.29.10	Aluminum alloy, profiles (o/than hollow profiles).
7604.29.30	Aluminum alloy, bars and rods, having a round cross section.
7604.29.50	Aluminum alloy, bars and rods, other than with a round cross section.
7605.11.00	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension over 7 mm.
7605.19.00	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension of 7 mm or less.
7605.21.00	Aluminum alloy, wire, with a maximum cross-sectional dimension over 7 mm.
7605.29.00	Aluminum alloy, wire, with a maximum cross-sectional dimension of 7 mm or less.
7606.11.30	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad.
7606.11.60	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad.
7606.12.30	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad.
7606.12.60	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad.
7606.91.30	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad.
7606.91.60	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad.
7606.92.30	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad.
7606.92.60	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad.
7607.11.30	Aluminum, foil, w/thickness n/o 0.01 mm, rolled but not further worked, not backed.
7607.11.60	Aluminum, foil, w/thickness over 0.01 mm but n/o 0.15 mm, rolled but not further worked, not backed.
7607.11.90	Aluminum, foil, w/thickness over 0.15 mm but n/o 0.2 mm, rolled but not further worked, not backed.
7607.19.10	Aluminum, etched capacitor foil, w/thickness n/o 0.2 mm, not rolled or rolled and further worked, not backed.
7607.19.30	Aluminum, foil nesoi, w/thickness n/o 0.15 mm, cut to shape, not rolled, not backed.
7607.19.60	Aluminum, foil nesoi, w/thickness o/0.15mm but n/o 0.2 mm or 0.15mm or less & not cut to shape, not rolled, not backed, nesoi.
7607.20.10	Aluminum, foil, w/thickness n/o 0.2 mm, backed, covered or decorated with a character, design, fancy effect or pattern.
7607.20.50	Aluminum, foil, w/thickness n/o 0.2 mm, backed, nesoi.
7608.10.00	Aluminum (o/than alloy), tubes and pipes.
7608.20.00	Aluminum alloy, tubes and pipes.
7609.00.00	Aluminum, fittings for tubes and pipes.
7610.10.00	Aluminum, doors, windows and their frames and thresholds for doors.
7615.10.11	Aluminum, pot scourers, scouring or polishing pads, gloves and the like.
7615.10.20	Aluminum, cast cooking and kitchen ware, enameled or glazed or containing nonstick interior finishes.
7615.10.30	Aluminum, cooking and kitchen ware (o/than cast), enameled or glazed or containing nonstick interior finishes.
7615.10.50	Aluminum, cast cooking and kitchen ware, not enameled or glazed and not containing nonstick interior finishes.
7615.10.71	Aluminum, cooking and kitchen ware (o/than cast), not enameled or glazed and not containing nonstick interior finishes.
7615.10.91	Aluminum, table, kitchen or other household articles (o/than cooking or kitchen ware) and parts thereof.
7907.00.10	Zinc, household, table or kitchen use articles; zinc toilet and sanitary wares; zinc parts of all the foregoing.
8109.20.00	Zirconium, unwrought; zirconium powders.
8112.92.60	Germanium, unwrought.
8211.10.00	Sets of assorted knives w/cutting blades serrated or not (including pruning knives).

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
8211.91.10	Table knives with fixed blades and silver-plated handles.
8211.91.20	Table knives w/fixed blades, w/stain. steel handles w/Ni or ov 10% by wt. of Mn, w/overall length 25.9cm or less & val. <than 25 cents ea.
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.
8211.91.50	Table knives w/fixed blades, with rubber or plastics handles.
8211.91.80	Table knives w/fixed blades, w/handles other than of silver-plate, stainless steel, rubber or plastics.
8211.92.20	Kitchen and butcher knives w/fixed blades, with rubber or plastics handles.
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).
8212.10.00	Base metal razors.
8212.20.00	Base metal safety razor blades (including razor blade blanks).
8212.90.00	Base metal parts of razors and razor blades.
8213.00.30	Base metal scissors, tailors' shears and similar shears, and blades thereof, valued n/o $1.75 per dozen.
8213.00.60	Base metal pinking shears, and blades thereof, valued over $30 per dozen.
8213.00.90	Base metal scissors, tailors' shears and similar shears (o/than pinking shears val o$30/dz), and base metal parts, val. o/$1.75 per dozen.
8214.10.00	Base metal paper knives, letter openers, erasing knives, nonmechanical pencil sharpeners and blades and base metal parts thereof.
8214.20.30	Base metal instruments for manicure or pedicure purposes, and base metal parts thereof.
8214.20.60	Manicure and pedicure sets, and combinations thereof, in leather containers.
8214.20.90	Manicure and pedicure sets, and combinations thereof, other than in leather containers.
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.
8215.10.00	Sets of assted. base metal spoons, forks, ladles, etc. & similar kitchen or tableware, w/at least one article plated w/prec. metal.
8215.91.30	Base metal forks plated with precious metal.
8215.91.60	Base metal spoons and ladles plated with precious metal.
8215.91.90	Base metal skimmers, cake-servers, fish-knives, etc. and similar kitchen or tableware and parts, plated with precious metal.
8215.99.01	Base metal forks, w/stainless steel handles cont. Ni or o/10% by wt of Mn, w/overall length n/o 25.9cm, valued under 25 cents ea.
8215.99.10	Base metal forks, w/stainless steel handles, nesoi, valued under 25 cents each.
8215.99.15	Base metal forks, w/stainless steel handles, nesoi, valued at 25 cents each or more.
8215.99.20	Base metal forks, with rubber or plastic handles.
8215.99.22	Base metal forks, without their handles.
8215.99.24	Base metal table forks and barbecue forks, with wood handles.
8215.99.26	Base metal forks (o/than plated w/prec. metal, or w/handles of stain. steel, wood, rubber or plastics), nesoi.
8215.99.30	Base metal spoons, w/stainless steel handles & valued under 25 cents each.
8215.99.35	Base metal spoons, w/stainless steel handles & valued at 25 cents and over, and base metal ladles w/stainless steel handles.
8215.99.40	Base metal spoons and ladles with handles of base metal (o/than stain. steel) or w/nonmetal handles.
8215.99.45	Base metal spoons and ladles, nesoi.
8215.99.50	Base metal skimmers/cake-servers/butter-knives/sugar tongs & similar kitchen or tableware, & base metal parts (incl. pts. of forks/spoons).
8301.10.20	Padlocks, base metal, not of cylinder or pin tumbler construction, not ov 3.8cm wide.
8301.10.40	Padlocks, base metal, not of cylinder or pin tumbler construction, ov 3.8cm but n/o 6.4cm wide.
8301.10.50	Padlocks, base metal, not of cylinder or pin tumbler construction, ov 6.4cm wide.
8301.10.60	Padlocks, base metal, of cylinder or pin tumbler construction, not ov 3.8cm wide.
8301.10.80	Padlocks, base metal, of cylinder or pin tumbler construction, ov 3.8cm but n/o 6.4cm wide.
8301.10.90	Padlocks, base metal, of cylinder or pin tumbler construction, ov 6.4cm wide.
8301.30.00	Base metal locks, of a kind used for furniture.
8301.40.30	Base metal luggage locks.
8301.40.60	Base metal locks (o/than padlocks, locks for motor vehicles or furniture, luggage locks).
8301.50.00	Base metal clasps and frames with clasps, incorporating locks.
8301.60.00	Base metal parts of padlocks, other locks, and clasps and frames with clasps incorporating locks.
8301.70.00	Base metal keys for padlocks, other locks, and clasps and frames with clasps incorporating locks.
8302.10.30	Iron or steel, aluminum, or zinc hinges and base metal parts thereof, designed for motor vehicles.
8302.42.30	Iron or steel, aluminum, or zinc mountings, fittings & similar articles, suitable for furniture, and base metal parts thereof.
8302.42.60	Base metal (o/than iron/steel/aluminum/zinc) mountings, fittings & similar articles, suitable for furniture, and base metal parts thereof.
8304.00.00	Base metal desk-top filing/card-index cabinets, paper trays, pen trays & similar office/desk equipment nesoi, and base metal parts thereof.
8305.10.00	Base metal fittings for loose-leaf binders or files.
8305.20.00	Base metal staples in strips (e.g., for offices, upholstery, packaging).

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
8305.90.30	Base metal paper clips and base metal parts thereof.
8305.90.60	Base metal letter clips, letter corners, indexing tags and similar office articles nesoi, and base metal parts thereof.
8306.10.00	Base metal, nonelectric bells, gongs, and the like, and base metal parts thereof.
8306.21.00	Base metal statuettes and other ornaments plated w/prec. metal, and base metal parts thereof.
8306.29.00	Base metal statuettes and other ornaments not plated w/prec.metal, and base metal parts thereof.
8403.10.00	Central heating boilers (other than those of heading 8402).
8403.90.00	Parts of central heating boilers (other than those of heading 8402).
8414.51.30	Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W.
8414.51.90	Table, floor, wall, window or roof fans, with a self-contained electric motor of an output not exceeding 125 W.
8415.90.40	Chassis, chassis bases and other outer cabinets for air conditioning machines,.
8415.90.80	Parts for air conditioning machines, nesoi.
8416.10.00	Furnace burners for liquid fuel.
8416.20.00	Furnace burners for pulverized solid fuel or for gas, including combination burners.
8417.20.00	Bakery ovens, including biscuit ovens.
8419.81.50	Cooking stoves, ranges & ovens, other than microwave, for making hot drinks or for cooking or heating food, not used for domestic purposes.
8419.81.90	Machinery and equipment nesoi, for making hot drinks or for cooking or heating food, not used for domestic purposes.
8420.10.10	Textile calendering or rolling machines.
8421.12.00	Centrifugal clothes dryers.
8421.91.20	Drying chambers for the clothes-dryers of subheading 8421.12 and other parts of clothes-dryers incorporating drying chambers.
8421.91.40	Furniture designed to receive the clothes-dryers of subheading 8421.12.
8422.11.00	Dishwashing machines of the household type.
8422.90.02	Water containment chambers for the household dishwashing machines and other parts of the same incorporating water containment chambers.
8422.90.11	Parts of can-sealing machines.
8422.90.21	Parts of machines for packing tobacco, wrapping candy, cigarette packages and of combination candy cutting and wrapping machines.
8423.10.00	Personal weighing machines, including baby scales; household scales.
8424.10.00	Fire extinguishers, whether or not charged.
8424.90.05	Parts of fire extinguishers.
8424.90.10	Parts of simple piston pump sprays and powder bellows.
8426.11.00	Overhead traveling cranes on fixed support.
8426.12.00	Mobile lifting frames on tires and straddle carriers.
8426.19.00	Transporter cranes, gantry cranes and bridge cranes.
8426.20.00	Tower cranes.
8428.10.00	Passenger or freight elevators other than continuous action; skip hoists.
8428.60.00	Teleferics, chair lifts, ski draglines; traction mechanisms for funiculars.
8430.20.00	Snowplows and snowblowers.
8433.11.00	Mowers for lawns, parks or sports grounds, powered, with the cutting device rotating in a horizontal plane.
8433.19.00	Mowers for lawns, parks or sports grounds, nesoi.
8434.10.00	Milking machines.
8435.10.00	Presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages.
8435.90.00	Parts of presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages.
8438.10.00	Bakery machinery and machinery for the manufacture of macaroni, spaghetti or similar products, nesoi.
8438.20.00	Machinery for the manufacture of confectionery, cocoa or chocolate, nesoi.
8438.30.00	Machinery for sugar manufacture, nesoi.
8438.40.00	Brewery machinery, nesoi.
8438.90.10	Parts of machinery for sugar manufacture, nesoi.
8440.10.00	Bookbinding machinery, including book-sewing machines.
8440.90.00	Parts for bookbinding machinery, including book-sewing machines.
8442.50.90	Printing type, blocks, cylinders and other printing components; blocks, cylinders and lithographic stones, prepared for printing purposes.
8443.19.20	Textile printing machinery.
8443.31.00	Multifunction units (machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecti.
8443.32.10	Printer units, capable of connecting to an automatic data processing machine or to a network.
8443.32.50	Single function units other than printer units (machines which perform only one of the functions of printing, copying or facsimile transmiss.
8443.39.10	Electrostatic photocopying apparatus, operating by reproducing the original image directly onto the copy (direct process).
8443.39.60	Copying machines, nesoi.
8443.39.90	Other printers, copying machines or facsimile machines, nesoi.
8443.91.20	Parts of textile printing machinery.
8443.91.30	Parts for printing machinery other than textile printing machinery.
8443.99.25	Parts and accessories of printers, nesoi.
8443.99.50	Parts and acessories of other printing, copying or facsimile machines; nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
8445.11.00	Carding machines for preparing textile fibers.
8445.12.00	Combing machines for preparing textile fibers.
8445.13.00	Drawing or roving machines for preparing textile fibers.
8445.19.00	Machines for preparing textile fibers, nesoi.
8445.20.00	Textile spinning machines.
8445.30.00	Textile doubling or twisting machines.
8445.40.00	Textile winding (including weft-winding) or reeling machines.
8445.90.00	Machinery for producing textile yarns nesoi; machines for preparing textile yarns for use on machines of heading 8446 or 8447.
8446.10.00	Weaving machines (looms) for weaving fabrics of a width not exceeding 30 cm.
8446.21.10	Shuttle type power looms for weaving fabrics of a width exceeding 4.9 m.
8446.21.50	Shuttle type power looms for weaving fabrics of a width exceeding 30 cm, but not exceeding 4.9 m.
8446.29.00	Weaving machines for weaving fabrics of a width exceeding 30 cm, shuttle type, nesoi.
8446.30.10	Shuttleless type power looms, for weaving fabrics of a width exceeding 4.9 m, nesoi.
8447.11.10	Circular knitting machines with cylinder diameter not exceeding 165 mm, for knitting hosiery.
8447.11.90	Circular knitting machines with cylinder diameter not exceeding 165 mm, other than for knitting hosiery.
8447.12.10	Circular knitting machines with cylinder diameter exceeding 165 mm, for knitting hosiery.
8447.12.90	Circular knitting machines with cylinder diameter exceeding 165 mm, other than for knitting hosiery.
8447.20.20	V-bed flat knitting machines, power driven, over 50.8 mm in width.
8447.20.30	V-bed flat knitting machines, nesoi.
8447.20.40	Warp knitting machines.
8447.20.60	Flat knitting machines, other than V-bed or warp; stitch-bonding machines.
8447.90.10	Braiding and lace-braiding machines.
8447.90.50	Embroidery machines.
8447.90.90	Knitting machines other than circular or flat knitting; machines for making gimped yarn, tulle, trimmings or net; machines for tufting.
8448.11.00	Dobbies and Jacquards, card reducing, copying, punching or assembling machines for use with machines of heading 8444, 8445, 8446 or 8447.
8448.19.00	Auxiliary machinery for machines of heading 8444, 8445, 8446 or 8447, nesoi.
8448.20.10	Parts and accessories of machines for extruding or drawing man-made textile filaments.
8448.20.50	Parts and accessories of machines of heading 8444 or of their auxiliary machinery, nesoi.
8448.31.00	Card clothing as parts and accessories of machines of heading 8445 or of their auxiliary machinery.
8448.32.00	Parts and accessories of machines for preparing textile fibers, other than card clothing.
8448.33.00	Spindles, spindle flyers, spinning rings and ring travellers of machines of heading 8445 or of their auxiliary machines.
8448.39.10	Parts of spinning, doubling or twisting machines of heading 8445 or of their auxiliary machinery.
8448.39.50	Parts of winding or reeling machines of heading 8445 or of their auxiliary machinery.
8448.39.90	Parts and accessories of machines of heading 8445 or their auxiliary machinery, nesoi.
8448.42.00	Reeds for looms, healds and heald-frames of weaving machines (looms) or their auxiliary machinery.
8448.49.10	Shuttles for weaving machines (looms).
8448.49.20	Parts and accessories of weaving machines (looms) or of their auxiliary machinery, other than shuttles, reeds, healds and heald-frames.
8448.51.10	Latch needles for knitting machines.
8448.51.30	Needles for knitting machines other than latch needles or spring-beard needles.
8448.51.50	Sinkers, needles and other articles used to form stitches, nesoi, for machines of heading 8447.
8448.59.10	Parts of knitting machines of heading 8447 or of their auxiliary machinery, nesoi.
8448.59.50	Accessories of machines of heading 8447 or of their auxiliary machinery, nesoi.
8449.00.10	Finishing machinery for felt or nonwovens and parts thereof.
8449.00.50	Machinery for making felt hats; blocks for making hats; parts thereof.
8450.11.00	Household- or laundry-type washing machines, each of a dry linen capacity not exceeding 10 kg, fully automatic.
8450.12.00	Household- or laundry-type washing machines, each of a dry linen capacity not exceeding 10 kg, with built-in centrifugal driers, nesoi.
8450.19.00	Household- or laundry-type washing machines, each of a dry linen capacity not exceeding 10 kg, nesoi.
8450.20.00	Household- or laundry-type washing machines, each of a dry linen capacity exceeding 10 kg.
8450.90.20	Tub and tub assemblies for household- or laundry-type washing machines.
8450.90.40	Furniture designed to receive household- or laundry-type washing machines.
8450.90.60	Parts for household- or laundry-type washing machines, nesoi.
8452.10.00	Sewing machines of the household type.
8452.21.10	Sewing machines specially designed to join footwear soles to uppers, automatic.
8452.21.90	Sewing machines, automatic, nesoi.
8452.29.10	Sewing machines, other than automatic, specially designed to join footwear soles to uppers.
8452.30.00	Sewing machine needles.
8452.90.10	Furniture, bases and covers for sewing machines, and parts thereof.
8452.90.20	Parts of sewing machines, nesoi.
8453.10.00	Machinery for preparing, tanning or working hides, skins or leather.
8453.20.00	Machinery for making or repairing footwear.
8453.80.00	Machinery, nesoi, for making or repairing articles of hides, skins or leather.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
8453.90.10	Parts of machinery for making or repairing footwear.
8453.90.50	Parts of machinery for preparing, tanning or working hides, skins or leather or making or repairing articles of same, nesoi.
8465.96.00	Splitting, slicing or paring machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials.
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working.
8467.21.00	Electromechanical drills of all kinds for working in the hand, with self-contained electric motor.
8467.22.00	Electromechanical saws for working in the hand, with self-contained electric motor.
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor.
8467.81.00	Chain saws for working in the hand, hydraulic or with self-contained nonelectric motor.
8467.89.10	Other tools for working in the hand, hydraulic or with self-contained nonelectric motor, suitable for metal working, nesoi.
8467.89.50	Other tools for working in the hand, hydraulic or with self-contained nonelectric motor, other than suitable for metal working, nesoi.
8467.91.01	Parts of chain saws.
8467.92.00	Parts of pneumatic tools for working in the hand.
8468.10.00	Hand-held blow torches.
8470.50.00	Cash registers.
8471.30.01	Portable automatic data processing machines, not over 10 kg, consisting at least a central processing unit, keyboard and display.
8471.41.01	ADP machines, nonportable or over 10 kg, comprise in the same housing least central processing unit and input & output unit.
8471.49.00	ADP machines, nesoi, entered as a system (consisting of a central processing unit, an input unit, and an output unit).
8471.60.20	Keyboards for automatic data processing machines not entered with the rest of a system.
8471.60.80	Optical scanners and magnetic ink recognition devices not entered with the rest of a ADP system.
8472.90.40	Pencil sharpeners.
8472.90.50	Typewriters other than printers of heading 8443; word processing machines.
8476.89.00	Automatic goods-vending (other than beverage-vending but incl. money-changing machines) not incorporating heating or refrigerating devices.
8478.10.00	Machinery for preparing or making up tobacco, nesoi.
8478.90.00	Parts of machinery for preparing or making up tobacco, nesoi.
8479.79.00	Other passenger boarding bridges.
8479.89.55	Electromechanical appliances with self-contained electric motor, trash compactors.
8479.89.65	Electromechanical appliances with self-contained electric motor, nesoi.
8479.90.41	Parts of floor polishers of subheading 8479.89.20; parts of carpet sweepers.
8479.90.45	Parts of trash compactors, frame assemblies.
8479.90.55	Parts of trash compactors, ram assemblies.
8479.90.65	Parts of trash compactors, container assemblies.
8479.90.75	Parts of trash compactors, cabinets or cases.
8479.90.85	Parts of trash compactors, nesoi.
8480.60.00	Molds for mineral materials.
8481.90.10	Parts of hand operated and check appliances for pipes, boiler shells, tanks, vats or the like, of copper.
8481.90.30	Parts of hand operated and check appliances for pipes, boiler shells, tanks, vats or the like, of iron or steel.
8481.90.50	Parts of hand operated and check appliances for pipes, boiler shells, tanks, vats or the like, other than of copper or iron or steel.
8504.10.00	Ballasts for discharge lamps or tubes.
8507.30.80	Nickel-cadmium storage batteries, other than of a kind used as the primary source of power for electric vehicles.
8507.60.00	Lithium-ion batteries.
8507.90.40	Parts of lead-acid storage batteries, including separators therefor.
8509.40.00	Electromechanical food grinders, processors, mixers, fruit or vegetable juice extractors, w self-contained electric motor, for domestic uses.
8509.80.10	Electromechanical floor polishers, with self-contained electric motor, for domestic uses.
8509.80.50	Electromechanical domestic appliances nesoi, with self-contained electric motor.
8510.10.00	Shavers, with self-contained electric motor.
8510.30.00	Hair-removing appliances with self-contained electric motor.
8512.10.20	Electrical lighting equipment of a kind used on bicycles.
8512.10.40	Electrical visual signaling equipment of a kind used on bicycles.
8513.10.20	Flashlights.
8513.10.40	Portable electric lamps designed to function by their own source of energy, other than flashlights.
8516.10.00	Electric instantaneous or storage water heaters and immersion heaters.
8516.31.00	Electrothermic hair dryers.
8516.32.00	Electrothermic hairdressing apparatus other than hair dryers.
8516.33.00	Electrothermic hand drying apparatus.
8516.40.20	Electric flatirons, travel type.
8516.40.40	Electric flatirons, other than travel type.
8516.50.00	Microwave ovens of a kind used for domestic purposes.
8516.60.60	Electrothermic cookers, cooking plates, boiling rings, grillers and roasters, nesoi, of a kind used for domestic purposes.
8516.71.00	Electrothermic coffee or tea makers, for domestic purposes.
8516.72.00	Electrothermic toasters, for domestic purposes.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
8516.79.00	Electrothermic appliances nesoi, of a kind used for domestic purposes.
8517.11.00	Line telephone sets with cordless handsets.
8517.12.00	Telephones for cellular networks or for other wireless networks.
8517.18.00	Telephone sets, nesoi.
8517.61.00	Base stations.
8517.70.00	Parts of telephone sets; parts of other apparatus for the transmission or reception of voice, images or other data, including apparatus for.
8518.10.80	Microphones and stands therefor, nesoi.
8518.21.00	Single loudspeakers mounted in their enclosures.
8518.22.00	Multiple loudspeakers mounted in the same enclosure.
8518.29.40	Loudspeakers not mounted in their enclosures, with frequency range of 300Hz to 3.4kHz, with a diameter not over 50 mm, for telecommunication.
8518.29.80	Loudspeakers nesoi, not mounted in their enclosures, nesoi.
8518.30.10	Line telephone handsets.
8518.30.20	Headphones, earphones and combined microphone/speaker sets, other than telephone handsets.
8519.20.00	Sound recording or reproducing apparatus operated by coins, bank notes, bank cards, tokens or other means of payment.
8519.30.10	Turntables with automatic record changing mechanism.
8519.30.20	Turntables without automatic record changing mechanism.
8519.50.00	Telephone answering machines.
8519.81.10	Transcribing machines.
8519.81.20	Cassette players (non-recording) designed exclusively for motor-vehicle installation.
8519.81.25	Cassette players (non-recording), nesoi.
8519.81.40	Sound recording and reproducing apparatus using magnetic tape, optical media, or semiconductor media.
8519.89.10	Record players, other than coin- or token-operated, without loudspeaker.
8519.89.20	Record players, other than coin- or token-operated, with loudspeakers.
8519.89.30	Sound recording and reproducing apparatus, nesoi.
8521.10.30	Color, cartridge or cassette magnetic tape-type video players.
8521.10.60	Color, cartridge or cassette magnetic tape-type video recording and reproducing apparatus, nesoi.
8521.10.90	Magnetic tape-type video recording or reproducing apparatus, other than color, cartridge or cassette type.
8521.90.00	Video recording or reproducing apparatus, other than magnetic tape-type.
8523.29.10	Unrecorded magnetic media.
8523.29.20	Pre-recorded magnetic tapes for reproducing phenomena other than sound or image.
8523.29.30	Pre-recorded magnetic tapes, of a width not exceeding 4 mm, of news sound recording relating to current events.
8523.29.40	Pre-recorded magnetic tapes, of a width not exceeding 4 mm, nesoi.
8523.29.50	Pre-recorded magnetic video tape recordings of a width exceeding 4 mm but not exceeding 6.5 mm.
8523.29.60	Pre-recorded magnetic tapes of a width exceeding 4 mm but not exceeding 6.5 mm, nesoi.
8523.29.70	Pre-recorded magnetic video tape recordings of a width exceeding 6.5 mm.
8523.29.80	Pre-recorded magnetic tapes of a width exceeding 6.5 mm, nesoi.
8523.29.90	Pre-recorded magnetic media other than tape, nesoi.
8523.41.00	Unrecorded optical media.
8523.49.20	Recorded optical media, for reproducing phenomena other than sound or image.
8523.49.30	Recorded optical media, for reproducing sound only.
8523.49.50	Recorded optical media, nesoi.
8523.51.00	Semiconductor media, solid state non-volatile storage devices.
8523.80.10	Phonograph records.
8523.80.20	Discs, tapes, solid-state non-volatile storage devices, ''smart cards'' and other media for the recording of sound or of other phenomena, whet.
8525.50.10	Television transmission set top boxes which have a communication function.
8525.80.40	Digital still image video cameras.
8526.92.10	Radio remote control apparatus for video game consoles.
8527.12.00	Pocket-size radio cassette players.
8527.13.11	Radio-tape player combination (other than pocket-size radio cassette type), nonrecording, capable of operating w/o an external source of power.
8527.13.20	Radio-tape recorder combinations, capable of operating without an external source of power, nesoi.
8527.13.40	Radio-phonograph combinations, capable of operating without external power source, nesoi.
8527.13.60	Radiobroadcast receivers capable of operating without external power source, combined with sound recording or reproducing apparatus, nesoi.
8527.19.10	Radiobroadcast receivers, able to operate w/o external power, with clock or clock-timer, valued not over $40, not for motor vehicles.
8527.19.50	Radiobroadcast receivers, capable of operation w/o external power, nesoi.
8527.91.05	Radiobroadcast receiver combined w/sound recording or reproducing apparatus for connection to telegraphic/telephonic apparatus/network.
8527.91.40	Radiobroadcast receiver combinations incorporating tape players, nesoi.
8527.91.50	Radiobroadcast receiver combinations incorporating tape recorders, nesoi.
8527.91.60	Radiobroadcast receivers combined with sound recording or reproducing apparatus, nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
8527.92.10	Radiobroadcast receiver with clock or clock-timer, n/for m.v., n/combined w/sound recording or reproducing app., valued < or = $40 ea.
8527.92.50	Radiobroadcast receiver with clock or clock timer, n/for m.v., n/combined w/sound recording or reproducing app., valued > $40 ea.
8527.99.10	Infant nursery monitor systems, consisting, in the same package, of a radio transmitter, electrical adapter and radio receiver.
8528.49.05	Incomplete or unfinished color video monitors, presented w/o a display device, incorp. VCR or player.
8528.49.10	Incomplete or unfinished color video monitors, presented w/o a display device, not incorp. VCR or player.
8528.49.25	Non-high definition color video monitors, nonprojection type, w/CRT, video display diagonal not over 34.29 cm, not incorp. VCR or player.
8528.49.30	Non-high definition color video monitors, nonprojection, w/CRT, video display diag. ov 34.29 cm but n/ov 35.56 cm, not incorp. VCR or player.
8528.49.40	Non-high definition color video monitors, nonprojection type, w/CRT, video display diagonal over 35.56 cm, not incorporating VCR or player.
8528.49.50	Non-high definition color video monitors, projection type, with cathode-ray tube, not incorporating VCR or player.
8528.49.65	High definition color video monitors, nonprojection type, with cathode-ray tube, not incorporating VCR or player.
8528.49.70	High definition color video monitors, projection type, with cathode-ray tube, incorporating VCR or player.
8528.49.75	High definition color video monitors, projection type, with cathode-ray tube, not incorporating VCR or player.
8528.52.00	Other monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471.
8528.59.15	Color video monitors w/flat panel screen, video display diagonal n/ov 34.29 cm, incorporate VCR or player.
8528.59.23	Color video monitors w/flat panel screen, video display diagonal > 34.29 cm, incorporating VCR or player, not subject US note 13.
8528.59.25	Color video monitors w/flat panel screen, video display diagonal n/ov 34.29 cm, not incorporate VCR or player.
8528.59.33	Color video monitors w/flat panel screen, video display diagonal > 34.29 cm, not with VCR/player, not subj US note 13.
8528.59.35	Color video monitors nesoi, with video display diagonal not over 34.29 cm, incorporating VCR or player.
8528.59.40	Color video monitors nesoi, with video display diagonal over 34.29 cm, incorporating VCR or player.
8528.59.45	Color video monitors nesoi, with video display diagonal not over 34.29 cm, not incorporating VCR or player.
8528.59.50	Color video monitors nesoi, with video display diagonal over 34.29 cm, not incorporating VCR or player.
8528.59.60	Black and white or other monochrome video monitors, other.
8528.62.00	Projectors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471.
8528.69.15	Non-high definition color video projectors, with a cathode-ray tube, incorporating VCR or player.
8528.69.25	High definition color video projectors, with a cathode-ray tube, incorporating VCR or player.
8528.69.35	Color video projectors w/flat panel screen, video display diagonal not over 34.29 cm, incorporating VCR or player.
8528.69.40	Color video projectors w/flat panel screen, video display diagonal over 34.29 cm, incorporating VCR or player.
8528.69.45	Color video projectors w/flat panel screen, video display diagonal not over 34.29 cm, not incorporating VCR or player.
8528.69.50	Color video projectors w/flat panel screen, video display diagonal over 34.29 cm, not incorporating VCR or player.
8528.69.55	Color video projectors nesoi, incorporating video recording or reproducing apparatus.
8528.69.60	Color video projectors nesoi, not incorporating a video recording or reproducing apparatus.
8528.69.70	Black and white or other monochrome video projectors.
8528.71.10	Reception apparatus for television, not designed to incorporate a video display or screen, incorporating video recording or reproducing appa.
8528.71.20	TV reception set top boxes with a communication function, nesoi.
8528.71.30	TV reception printed circuit assemblies incorporating a tuner, of a kind used with ADP machines of heading 8471, nesoi.
8528.71.40	TV reception apparatus, not designed to incorp. video display or screen, not incorp. video recording/reproducing apparatus, color.
8528.71.45	TV reception apparatus, not designed to incorp. video display or screen, not incorp. video recording/reproducing apparatus, monochrome.
8528.72.08	Incomplete or unfinished color tv reception apparatus, presented w/o a display device, n/incorp. VCR or player.
8528.72.16	Non-high def. color television reception app., nonprojection, w/CRT, display diag. ov 34.29 cm but n/ov 35.56 cm, incorp. VCR or player.
8528.72.32	Non-high definition color television reception apparatus, nonprojection, w/CRT, video display diag. ov 35.56 cm, not incorp. a VCR or player.
8528.72.48	High definition color television reception apparatus, nonprojection, with cathode-ray tube, not incorporating a VCR or player.
8528.72.52	High definition color television reception apparatus, projection type, with cathode-ray tube, incorporating a VCR or player.
8528.72.56	High definition color television reception apparatus, projection type, with cathode-ray tube, not incorporating a VCR or player.
8528.72.62	Color television reception apparatus w/flat panel screen, video display diagonal n/ov 34.29 cm, incorporating a VCR or player.
8528.72.64	Color television reception apparatus w/flat panel screen, video display diagonal over 34.29 cm, incorporating a VCR or player.
8528.72.68	Color television reception apparatus w/flat panel screen, video display diagonal n/o 34.29 cm, not incorporating a VCR or player.
8528.72.72	Color television reception apparatus w/flat panel screen, video display diagonal over 34.29 cm, not incorporating a VCR or player.
8528.72.76	Color television reception apparatus nesoi, video display diagonal not over 34.29 cm, incorporating a VCR or player.
8528.72.80	Color television reception apparatus nesoi, video display diagonal over 34.29 cm, incorporating a VCR or player.
8528.72.84	Color television reception apparatus nesoi, video display diagonal not over 34.29 cm, not incorporating a VCR or player.
8528.72.97	Color television reception apparatus nesoi, video display diagonal over 34.29 cm, not incorporating a VCR or player, nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
8529.90.13	Printed circuit assemblies for television apparatus, nesoi.
8531.80.15	Doorbells, chimes, buzzers, and similar apparatus.
8531.80.90	Electric sound or visual signaling apparatus, nesoi.
8536.90.60	Battery clamps used in motor vehicles of headings 8702, 8703, 8704, or 8711.
8539.22.40	Electrical filament Christmas-tree lamps, of a power not exceeding 200 W and for a voltage exceeding 100 V.
8539.22.80	Electrical filament lamps of a power not exceeding 200 W and for a voltage exceeding 100 V nesoi, excluding ultraviolet and infrared lamps.
8539.29.10	Electrical filament Christmas-tree lamps, designed for a voltage not exceeding 100 V.
8539.29.20	Electrical filament lamps, voltage not exceeding 100 V, having glass envelopes n/o 6.35 mm in diameter, suitable in surgical instruments.
8539.29.30	Electrical filament lamps nesoi, designed for a voltage not exceeding 100 V, excluding ultraviolet and infrared lamps.
8539.29.40	Electrical filament lamps, designed for a voltage exceeding 100 V, of a power exceeding 200 W.
8539.50.00	Light-emitting diode (LED) lamps.
8543.70.87	Electrical machines w/translation/dictionary; flatpanel displays except for heading 8528 (except 8528.51/61);infrared video game controller.
8543.70.89	Portable battery operated electronic readers for recording text, still images or audio files.
8543.70.93	Portable interactive electronic education devices for children.
8548.10.05	Spent primary cells, spent primary batteries and spent electric storage batteries, entered for recovery of lead.
8548.10.15	Spent primary cells, spent primary batteries and spent electric storage batteries, not entered for recovery of lead.
8548.10.25	Waste and scrap of primary cells, primary batteries and electric storage batteries, entered for recovery of lead.
8548.10.35	Waste and scrap of primary cells, primary batteries and electric storage batteries, not entered for recovery of lead.
8609.00.00	Containers (including containers for transport of fluids) specially designed and equipped for carriage by one or more modes of transport.
8703.10.10	Motor vehicles specially designed for traveling on snow.
8703.10.50	Golf carts and similar motor vehicles.
8710.00.00	Tanks & other armored fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles.
8711.20.00	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/50 but n/o 250 cc.
8711.30.00	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/250 but n/o 500 cc.
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.
8711.40.60	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/700 cc but n/o 800 cc.
8714.10.00	Pts. & access. for motorcycles (including mopeds).
8714.99.10	Pts. & access. for bicycles & o/cycles, click twist grips and click stick levers.
8714.99.50	Pts. & access. for bicycles & o/cycles, derailleurs and parts thereof.
8714.99.60	Pts. & accs. for bicycles & o/cycl., trigger & twist grip cntrls for 3-spd hubs, alum. handlebar stems >$2.15 ea, & stem rotor assys. & pts..
8714.99.80	Pts. & access. nesoi, for bicycles and other cycles of heading 8712.
8715.00.00	Baby carriages (including strollers) and parts thereof.
8801.00.00	Balloons, dirigibles and non-powered aircraft, gliders and hang gliders.
8905.90.10	Floating docks.
8906.10.00	Warships.
8907.90.00	Floating structures nesoi (for example, rafts, other than inflatable rafts, tanks, cofferdams, landing stages, buoys and beacons).
9001.30.00	Contact lenses.
9001.40.00	Spectacle lenses of glass, unmounted.
9001.50.00	Spectacle lenses of materials other than glass, unmounted.
9003.11.00	Frames and mountings, of plastics, for spectacles, goggles or the like.
9003.19.00	Frames and mountings, other than of plastics, for spectacles, goggles or the like.
9003.90.00	Parts of frames and mountings for spectacles, goggles or the like.
9004.10.00	Sunglasses, corrective, protective or other.
9004.90.00	Spectacles, goggles and the like, corrective, protective or other, other than sunglasses.
9005.10.00	Binoculars.
9005.80.40	Optical telescopes, including monoculars.
9005.80.60	Monoculars and astronomical instruments other than binoculars and optical telescopes but not including instruments for radio-astronomy.
9005.90.40	Parts and accessories, for binoculars, monoculars, optical telescopes, or astronomical instruments, incorp. good or 9001 or 9002.
9005.90.80	Parts and accessories, including mountings, for binoculars, monoculars, other optical telescopes, and other astronomical instruments, nesoi.
9006.40.40	Fixed focus instant print cameras.
9006.40.60	Instant print cameras, other than fixed focus, valued not over $10 each.
9006.40.90	Instant print cameras, other than fixed focus, valued over $10 each.
9006.51.00	Cameras with through-the-lens viewfinder, for roll film of a width not exceeding 35 mm, not cinematographic.
9006.52.10	Fixed focus, hand held, 110 cameras.
9006.52.30	Fixed focus, hand held cameras, other than 110 cameras, for roll film of a width less than 35 mm, not cinematographic.
9006.52.50	Fixed focus cameras nesoi, for roll film of a width less than 35 mm, not cinematographic.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9006.52.60	Cameras, other than fixed focus, nesoi, for roll film of a width less than 35 mm, valued not over $10 each, not cinematographic.
9006.52.91	Cameras, other than fixed focus, nesoi, for roll film of a width less than 35 mm, valued over $10 each, not cinematographic.
9006.53.01	Cameras nesoi, for roll film of a width of 35 mm, not cinematographic.
9006.59.20	Cameras of a kind used for preparing printing plates or cylinders.
9006.59.40	Fixed focus cameras, nesoi, not cinematographic.
9006.59.60	Cameras nesoi, other than fixed focus, valued not over $10 each, not cinematographic.
9006.59.91	Photographic cameras, other than fixed focus, valued over $10 each, nesoi.
9006.61.00	Photographic discharge lamp (''electronic'') flashlight apparatus.
9006.69.01	Photographic flashlight apparatus, nesoi.
9006.91.00	Parts and accessories for photographic cameras, not cinematographic.
9006.99.00	Parts and accessories for photographic flashlight apparatus and flashbulbs.
9007.91.40	Parts for cinematographic cameras.
9007.91.80	Accessories for cinematographic cameras.
9008.50.10	Slide projectors.
9008.50.20	Microfilm, microfiche or other microform readers, capable of producing copies.
9008.50.30	Microfilm, microfiche or other microform readers, other than those capable of producing copies.
9008.50.40	Image projectors, except slide projectors and microfilm, microfiche or other microform readers.
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.
9013.80.90	Liquid crystal devices nesoi, and optical appliances and instruments, nesoi.
9013.90.20	Parts and accessories of telescopic sights for rifles.
9014.10.60	Gyroscopic directing finding compasses, other than electrical.
9023.00.00	Instruments, apparatus and models, designed for demonstrational purposes, unsuitable for other uses, and parts and accessories thereof.
9025.80.15	Nonelectrical barometers, not combined with other instruments.
9025.80.35	Hygrometers and psychrometers, non-electrical, non-recording.
9025.80.40	Thermographs, barographs, hygrographs and other recording instruments, other than electrical.
9025.80.50	Combinations of thermometers, barometers and similar temperature and atmosphere measuring and recording instruments, nonelectrical.
9026.10.40	Flow meters, other than electrical, for measuring or checking the flow of liquids.
9026.10.60	Instruments and apparatus for measuring or checking the level of liquids, other than flow meters, non-electrical.
9026.20.80	Instruments and apparatus, other than electrical, for measuring or checking the pressure of liquids or gases.
9026.80.60	Nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi.
9027.90.20	Microtomes.
9029.90.60	Parts and accessories of stroboscopes.
9101.11.40	Wrist watches with cases of or clad with precious metal, electrically operated, with mechanical display only, with 0–1 jewel in mvmt.
9101.11.80	Wrist watches with cases of or clad with precious metal, electrically operated, with mechanical display only, w/more than 1 jewel in mvmt.
9101.19.20	Wrist watches with cases of or clad with precious metal, electrically operated, with opto-electronic display only.
9101.19.40	Wrist watches with cases of or clad with precious metal, electrically operated, with both opto-electronic and mechanical displays, 0–1 jewel.
9101.19.80	Wrist watches with cases of or clad with precious metal, electrically operated, w/both opto-electronic & mechanical displays, over 1 jewel.
9101.21.10	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9101.21.50.
9101.21.30	Straps, bands or bracelets, nesoi, entered with wrist watches of subheading 9101.21.50 and classifiable therewith.
9101.21.50	Wrist watches with cases of or clad with precious metal, not electrically operated, with automatic winding, with over 17 jewels in mvmt.
9101.21.80	Wrist watches with cases of or clad with precious metal, not electrically operated, with automatic winding, w/17 jewels or less in mvmt.
9101.29.10	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, with 0–1 jewel in mvmt.
9101.29.20	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, with 2–7 jewels in mvmt.
9101.29.30	Wrist watches with cases of or clad with precious metal, not electrically operated, n/auto winding, 8–17 jewels, mvmt n/o $15 & n/o 15.2 mm.
9101.29.40	Wrist watches with cases of or clad with precious metal, not electrically operated, n/auto winding, 8–17 jewels, mvmt n/o $15 & ov 15.2 mm.
9101.29.50	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, 8–17 jewels, movement over $15.
9101.29.70	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9101.29.90.
9101.29.80	Straps, bands or bracelets, nesoi, entered with wrist watches of subheading 9101.29.90 and classifiable therewith.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9101.29.90	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, w/over 17 jewels in the mvmt.
9101.91.20	Watches (excl. wrist watches) with cases of or clad with precious metal, electrically operated, with opto-electronic display only.
9101.91.40	Watches (excl. wrist watches) with cases of or clad with precious metal, electrically operated, with 0–1 jewel in mvmt, n/optoelec. display.
9101.91.80	Watches (excl. wrist watches) with cases of or clad with precious metal, electrically operated, over 1 jewel in mvmt, n/optoelec. display.
9101.99.20	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, with 0–7 jewels in the mvmt.
9101.99.40	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, w/8–17 jewels in mvmt, mvmt n/o $15 ea.
9101.99.60	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, w/8–17 jewels in mvmt, mvmt over $15 ea.
9101.99.80	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, with over 17 jewels in the mvmt.
9102.11.10	Wrist watches nesoi, electrically operated, mechanical display only, 0–1 jewel, gold/silver-plated case, band of textile mat. or base metal.
9102.11.25	Wrist watches nesoi, electrically operated, mechanical display only, 0–1 jewel, case nesoi, with band of textile material or base metal.
9102.11.30	Wrist watches nesoi, electrically operated, mechanical display only, 0–1 jewel, gold- or silver-plated case, with band of material nesoi.
9102.11.45	Wrist watches nesoi, electrically operated, mechanical display only, 0–1 jewel, case nesoi, with band of material nesoi.
9102.11.50	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, gold/silver-plated case, band of textile or base metal.
9102.11.65	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, case nesoi, with band of textile material or base metal.
9102.11.70	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, gold- or silver-case, with band of material nesoi.
9102.11.95	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, case nesoi, with band of material nesoi.
9102.12.20	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9102.12.80.
9102.12.40	Straps, bands or bracelets, nesoi, entered with wrist watches of subheading 9102.12.80 and classifiable therewith.
9102.12.80	Wrist watches nesoi, electrically operated, with opto-electronic display only.
9102.19.20	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, 0–1 jewel, band of textile material or base metal.
9102.19.40	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, 0–1 jewel, band of material nesoi.
9102.19.60	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, over 1 jewel, band of textile mat. or base metal.
9102.19.80	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, over 1 jewel, band of material nesoi.
9102.21.10	Wrist watches nesoi, automatic winding, 0–1 jewel, watch band of textile material or base metal.
9102.21.25	Wrist watches nesoi, automatic winding, 0–1 jewel, watch band not of textile material or base metal.
9102.21.30	Wrist watches nesoi, automatic winding, 2–17 jewels, watch band of textile material or base metal.
9102.21.50	Wrist watches nesoi, automatic winding, 2–17 jewels, watch band not of textile material or base metal.
9102.21.70	Wrist watches nesoi, automatic winding, over 17 jewels, watch band of textile material or base metal.
9102.21.90	Wrist watches nesoi, automatic winding, over 17 jewels, watch band not of textile material or base metal.
9102.29.02	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9102.29.04.
9102.29.04	Wrist watches nesoi, not electrically operated, not autowind, 0–1 jewel, entered with straps/bands/bracelet of tex. mat. or base metal.
9102.29.10	Wrist watches nesoi, not electrically operated, not automatic winding, 0–1 jewel, with strap/band/bracelet of material nesoi.
9102.29.15	Wrist watches nesoi, not electrically operated, not automatic winding, 2–7 jewels, with strap/band of textile material or base metal.
9102.29.20	Wrist watches nesoi, not electrically operated, not automatic winding, 2–7 jewels, with strap/band/bracelet of material nesoi.
9102.29.25	Wrist watches nesoi, not electrically operated, n/autowind, 8–17 jewels, mvmt n/o $15 & n/o 15.2 mm, band of textile material or base metal.
9102.29.30	Wrist watches nesoi, not electrically operated, not automatic winding, 8–17 jewels, movement n/o $15 & n/o 15.2 mm, band of material nesoi.
9102.29.35	Wrist watches nesoi, not electrically operated, n/autowinding, 8–17 jewel, mvmt n/o $15 & ov 15.2 mm, band of textile material or base metal.
9102.29.40	Wrist watches nesoi, not electrically operated, n/autowinding, 8–17 jewel, mvmt n/o $15 & over 15.2 mm, with band of material nesoi.
9102.29.45	Wrist watches nesoi, not electrically operated, not auto winding, 8–17 jewels, movement over $15 each, with band of textiles or base metal.
9102.29.50	Wrist watches nesoi, not electrically operated, not auto winding, 8–17 jewels, mvmt over $15 each, with band of material nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9102.29.55	Wrist watches nesoi, not electrically operated, not automatic winding, over 17 jewels in the mvmt, with band of textiles or base metal.
9102.29.60	Wrist watches nesoi, not electrically operated, not automatic winding, over 17 jewels in the movement, with band of material nesoi.
9102.91.20	Watches (excl. wrist watches) nesoi, electrically operated, with opto-electronic display only.
9102.91.40	Watches (excl. wrist watches) nesoi, electrically operated, with 0–1 jewel in the movement.
9102.91.80	Watches (excl. wrist watches) nesoi, electrically operated, with over 1 jewel in the movement.
9102.99.20	Watches (excl. wrist watches) nesoi, not electrically operated, with 0–7 jewels in the movement.
9102.99.40	Watches (excl. wrist watches) nesoi, not electrically operated, with 8–17 jewels in movement, movement valued not over $15 each.
9102.99.60	Watches (excl. wrist watches) nesoi, not electrically operated, with 8–17 jewels in movement, movement valued over $15 each.
9102.99.80	Watches (excl. wrist watches) nesoi, not electrically operated, having over 17 jewels in the movement.
9103.10.20	Clocks with watch movements, excluding clocks of heading 9104, electrically operated, with opto-electronic display only.
9103.10.40	Clocks with watch movements, excluding clocks of heading 9104, electrically operated, with 0–1 jewel in the movement.
9103.10.80	Clocks with watch movements, excluding clocks of heading 9104, electrically operated, with over 1 jewel in the movement.
9103.90.00	Clocks with watch movements, excluding clocks of heading 9104, not electrically operated.
9104.00.60	Instrument panel clocks for vehicles, air/spacecraft or vessels, w/clock or watch movement < 50 mm wide, nonelectric.
9105.11.40	Alarm clocks nesoi, electrically operated, with opto-electronic display only.
9105.11.80	Alarm clocks nesoi, electrically operated, other than with opto-electronic display only.
9105.19.10	Alarm clocks nesoi, not electrically operated, movement measuring not over 50 mm, not designed to operate over 47 hrs without rewinding.
9105.19.20	Alarm clocks nesoi, not electrically operated, movement measuring n/o 50 mm, designed to operate over 47 hrs w/o rewinding, with 0–1 jewel.
9105.19.30	Alarm clocks nesoi, not electrically operated, movement measuring n/o 50 mm, designed to operate over 47 hrs w/o rewinding, over 1 jewel.
9105.19.40	Alarm clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over $5 each.
9105.19.50	Alarm clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over $5 each.
9105.21.40	Wall clocks nesoi, electrically operated, with opto-electronic display only.
9105.21.80	Wall clocks nesoi, electrically operated, other than with opto-electronic display only.
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.
9105.29.20	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, 0–1 jewel, constructed/designed to operate over 47 hrs w/o 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.
9105.91.40	Clocks nesoi, electrically operated, with opto-electronic display only.
9105.91.80	Clocks nesoi, electrically operated, other than with opto-electronic display only.
9105.99.10	Standard marine chronometers nesoi, having spring-detent escapements.
9105.99.20	Clocks nesoi, not electrically operated, mvmt not over 50 mm in width or diameter, not designed to operate for over 47 hrs without rewinding.
9105.99.30	Clocks nesoi, not electrically operated, mvmt not over 50 mm in width or diameter, 0–1 jewel, designed to operate ov 47 hrs w/o rewinding.
9105.99.40	Clocks nesoi, not electrically operated, mvmt not over 50 mm in width or diameter, over 1 jewel, designed to operate ov 47 hrs w/o rewinding.
9105.99.50	Clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over $5 each.
9105.99.60	Clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over $5 each.
9108.11.40	Watch movements, complete and assembled, electrically operated, with mechanical display or device to incorporate such display, 0–1 jewel.
9108.11.80	Watch movements, complete and assembled, electrically operated, with mechanical display or device to incorporate such display, over 1 jewel.
9108.12.00	Watch movements, complete and assembled, electrically operated, with opto-electronic display only.
9108.19.40	Watch movements, complete and assembled, electrically operated, w/both optoelectronic & mechanical displays, having 0–1 jewels.
9108.19.80	Watch movements, complete and assembled, electrically operated, w/both optoelectronic & mechanical displays, having over 1 jewel.
9108.20.40	Watch movements, complete and assembled, with automatic winding, over 17 jewels.
9108.20.80	Watch movements, complete and assembled, with automatic winding, 17 jewels or less.
9108.90.10	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring 33.8 mm or less, none or only 1 jewel.
9108.90.20	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring over 33.8 mm, none or only 1 jewel.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
9108.90.30	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring 33.8 mm or less, over 1 but n/o 7 jewels.
9108.90.40	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring over 33.8 mm, ov 1 but not over 7 jewels.
9108.90.50	Watch movements, complete and assembled, nesoi, measuring not over 15.2 mm, over 7 but n/o 17 jewels, valued not over $15 each.
9108.90.60	Watch movements, complete and assembled, nesoi, measuring over 15.2 mm but not over 33.8 mm, over 7 but n/o 17 jewels, valued n/o $15 each.
9108.90.70	Watch movements, complete and assembled, nesoi, measuring 33.8 mm or less, over 7 but not over 17 jewels, valued over $15 each.
9108.90.80	Watch movements, complete and assembled, nesoi, measuring over 33.8 mm, over 7 but not over 17 jewels, valued not over $15 each.
9108.90.85	Watch movements, complete and assembled, nesoi, measuring over 33.8 mm, over 7 but not over 17 jewels, valued over $15 each.
9108.90.90	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring 33.8 mm or less, over 17 jewels.
9108.90.95	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring over 33.8 mm, over 17 jewels.
9109.10.10	Alarm clock movements, complete and assembled, electrically operated, with opto-electronic display only.
9109.10.20	Alarm clock movements, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter.
9109.10.30	Alarm clock movements, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued not over $5 each.
9109.10.40	Alarm clock movements, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued over $5 each.
9109.10.50	Clock movements nesoi, complete and assembled, electrically operated, with opto-electronic display only.
9109.10.60	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter.
9109.10.70	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued not over $5 each.
9109.10.80	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued over $5 each.
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter.
9109.90.40	Clock movements, complete and assembled, not electrically operated, measuring over 50 mm in width or diameter, valued not over $5 each.
9109.90.60	Clock movements, complete and assembled, not electrically operated, measuring over 50 mm in width or diameter, valued over $5 each.
9110.11.00	Complete watch movements, unassembled or partly assembled (movement sets).
9110.12.00	Incomplete watch movements, assembled.
9110.19.00	Rough watch movements.
9110.90.20	Complete clock movements, unassembled or partly assembled (movement sets).
9110.90.40	Incomplete clock movements consisting of 2 or more pieces or parts fastened or joined together.
9110.90.60	Incomplete clock movements, nesoi.
9111.10.00	Watch cases of precious metal or of metal clad with precious metal.
9111.20.20	Watch cases of gold- or silver-plated base metal.
9111.20.40	Watch cases of base metal not gold- or silver-plated.
9111.80.00	Watch cases, not of precious metal, of metal clad with precious metal or of base metal.
9111.90.40	Parts of watch cases, of precious metal or of metal clad with precious metal.
9111.90.50	Bezels, backs and centers, of watch cases, not of precious metal or of metal clad with precious metal.
9111.90.70	Parts of watch cases, other than bezels, backs and centers, not of precious metal or of metal clad with precious metal.
9112.20.40	Clock cases and cases of a similar type for other goods of chapter 91, of metal.
9112.20.80	Clock cases and cases of a similar type for other goods of chapter 91, other than cases of metal.
9112.90.00	Parts of clock cases and cases of a similar type for other goods of chapter 91.
9113.10.00	Watch straps, watch bands and watch bracelets, of precious metal or of metal clad with precious metal, and parts thereof.
9113.20.20	Watch straps, watch bands and watch bracelets of base metal, whether or not gold- or silver-plated, valued not over $5 per dozen.
9113.20.40	Watch straps, watch bands and watch bracelets of base metal, whether or not gold- or silver-plated, valued over $5 per dozen.
9113.20.60	Parts of watch bracelet of base metal, whether or not gold- or silver-plated, valued not over $12 per dozen.
9113.20.90	Parts of watch bracelets of base metal, whether or not gold- or silver-plated, valued over $12 per dozen.
9113.90.40	Watch straps, watch bands and watch bracelets, of textile material, and parts thereof.
9113.90.80	Watch straps, watch bands and watch bracelets, other than of precious metal, base metal or textile material, and parts thereof.
9114.10.40	Springs, including hair-springs, for watches.
9114.10.80	Springs, including hair-springs, for clocks.
9114.30.40	Dials for watches and clocks, not exceeding 50 mm in width.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

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HTS subheading	Product description
9114.30.80	Dials for watches and clocks, exceeding 50 mm in width.
9114.40.20	Watch movement bottom or pillar plates or their equivalent.
9114.40.40	Any plate, or set of plates, suitable for assembling thereon a clock movement.
9114.40.60	Plates and bridges for watches, nesoi.
9114.40.80	Plates and bridges for clocks, nesoi.
9114.90.10	Jewels for watch or clock movements.
9114.90.15	Assemblies and subassemblies for watch movements consisting of 2 or more pieces or parts fastened or joined inseparably together.
9114.90.30	Assemblies and subassemblies for clock movements consisting of 2 or more pieces or parts fastened or joined inseparably together.
9114.90.40	Watch parts, nesoi.
9114.90.50	Clock parts, nesoi.
9201.10.00	Upright pianos.
9201.20.00	Grand pianos.
9201.90.00	Keybd string. musical instru., o/than w/elect. sound or ampl., pianos (incl. player pianos) nesoi; harpsichords & oth keybd string. instr..
9202.10.00	String musical instruments, o/than w/elect. sound or ampl., played with a bow.
9202.90.20	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over $100 each (excluding the value of the case).
9202.90.40	String musical instruments, o/than w/elect. sound or ampl., guitars, valued over $100 each (excluding the value of the case).
9202.90.60	String musical instruments (o/than guitars or instruments played with a bow), o/than w/elect. sound or ampl.
9205.10.00	Wind musical instruments, o/than w/elect. sound or ampl., brass-wind instruments.
9205.90.12	Keyboard musical instruments, o/than w/elect. sound or ampl., pipe organs.
9205.90.14	Keyboard musical instruments, o/than w/elect. sound or ampl., harmoniums and similar keyboard instruments with free metal reeds.
9205.90.15	Piano accordions, o/than w/elect. sound or ampl..
9205.90.18	Accordions (o/than piano accordions) and similar instruments, o/than w/elect. sound or ampl..
9205.90.19	Mouth organs.
9205.90.20	Wind musical instruments, o/than w/elect. sound or ampl., bagpipes.
9205.90.40	Wind musical instruments, o/than w/elect. sound or ampl., woodwind instruments (o/than bagpipes).
9205.90.60	Wind musical instruments (o/than brass-wind or woodwind) nesoi, o/than w/elect. sound or ampl..
9206.00.20	Percussion musical instruments, o/than w/elect. sound or ampl., drums.
9206.00.40	Percussion musical instruments, o/than w/elect. sound or ampl., cymbals.
9206.00.60	Percussion musical instruments, o/than w/elect. sound or ampl., sets of tuned bells known as chimes, peals or carillons.
9206.00.80	Percussion musical instruments (o/than drums, cymbals, chimes, peals or carillons) nesoi (e.g., xylophones, castanets, maracas).
9207.10.00	Keyboard musical instruments (o/than accordions), the sound of which is produced, or must be amplified, electrically.
9207.90.00	Musical instruments (o/than keyboard except accordions) nesoi, the sound of which is produced, or must be amplified, electrically.
9208.10.00	Music boxes.
9208.90.00	Musical instruments nesoi in chapter 92; decoy calls; whistles, and o/mouth-blown sound signaling instruments.
9209.30.00	Strings for musical instruments.
9209.91.40	Tuning pins for pianos.
9209.91.80	Parts & access. for pianos (o/than tuning pins and strings) nesoi.
9209.92.20	Mutes, collapsible musical instru. stands, & music holders for attachment to instru., all the foregoing, for stringed music. instru. of 9202.
9209.92.40	Tuning pins for stringed musical instruments of heading 9202.
9209.92.60	Bows, parts of bows, bow hair, chin rests and other parts and accessories for stringed musical instru. of 9202.
9209.92.80	Parts & access. nesoi, for stringed musical instruments of heading 9202.
9209.94.40	Collapsible musical instrument stands, for the instruments w/elect sound or ampl. of heading 9207.
9209.94.80	Parts & access. nesoi, for the musical instruments w/elect. sound or ampl. of heading 9207 nesoi.
9209.99.05	Metronomes, tuning forks and pitch pipes of all kinds.
9209.99.10	Mutes nesoi; pedals, dampers & spurs for drums; pedals & holders for cymbals; music holders nesoi; collapsible music instru stands, nesoi.
9209.99.16	Parts & access. nesoi, for pipe organs.
9209.99.18	Parts & access. nesoi, for harmoniums and similar keyboard instruments with free metal reeds of heading 9203, nesoi.
9209.99.20	Parts & access. nesoi, for bagpipes.
9209.99.40	Parts & access. nesoi, for woodwind and brass-wind musical instruments.
9209.99.61	Parts for music boxes.
9209.99.80	Parts & access. nesoi, for musical instruments, nesoi.
9301.10.00	Artillery weapons (for example, guns, howitzers, and mortars).
9301.20.00	Rocket launchers; flame-throwers; grenade launchers; torpedo tubes and similar projectors.
9301.90.30	Rifles, military.
9301.90.60	Shotguns, military.
9301.90.90	Military weapons, nesoi.
9302.00.00	Revolvers and pistols (o/than of heading 9303 or 9304).

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9303.10.00	Muzzle-loading firearms.
9303.20.00	Shotguns (incl. comb. shotgun-rifles), for sport, hunting or target-shooting.
9303.30.40	Rifles (o/than muzzle-loading), for sport, hunting or target-shootings, valued o/$25 but n/or $50 each.
9303.30.80	Rifles (o/than muzzle-loading), for sport, hunting or target-shooting rifles, valued at $25 and under or o/$50 each.
9303.90.40	Revolvers and pistols, designed to fire only blank cartridges or blank ammunition.
9303.90.80	Firearms and similar devices that operate by the firing of an explosive charge, nesoi.
9304.00.20	Rifles that eject missiles by release of compressed air or gas, or by the release of a spring mechanism or rubber held under tension.
9304.00.40	Pistols & other guns (o/than rifles) that eject missiles by release of comp. air or gas, a spring mechanism or rubber held under tension.
9304.00.60	Arms (o/than those of heading 9307) nesoi.
9305.10.20	Parts and accessories nesoi, for revolvers or pistols of heading 9302.
9305.10.40	Parts and accessories nesoi, for revolvers or pistols designed to fire only blank cartridges or blank ammunition.
9305.10.60	Parts and accessories nesoi, for muzzle-loading revolvers and pistols.
9305.10.80	Parts and accessories nesoi, for revolvers or pistols nesoi.
9305.20.05	Stocks, for rifles of heading 9303.
9305.20.80	Other parts and accessories of shotguns or rifles of heading 9303.
9305.91.10	Parts and accessories for military rifles of heading 9301.
9305.91.20	Parts and accessories for military shotguns of heading 9301.
9305.91.30	Parts and accessories for military weapons (other than rifles and shotguns) of heading 9301.
9305.99.40	Parts and accessories for articles of heading 9303 other than shotguns or rifles.
9305.99.50	Parts and accessories for articles of subheading 9304.00.20 or 9304.00.40.
9305.99.60	Parts and accessories for articles of headings 9301 to 9304, nesoi.
9306.21.00	Cartridges, for shotguns.
9306.29.00	Parts of cartridges for shotguns; air gun pellets.
9306.30.41	Cartridges nesoi and empty cartridge shells.
9306.30.80	Parts of cartridges nesoi.
9306.90.00	Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and pts thereof; other ammunition projectiles & pts. thereof.
9307.00.00	Swords, cutlasses, bayonets, lances and similar arms, parts thereof and scabbards and sheaths therefor.
9401.10.40	Seats, of a kind used for aircraft, leather upholstered.
9401.10.80	Seats, of a kind used for aircraft (o/than leather upholstered).
9401.90.10	Parts of seats nesoi, for seats of a kind used for motor vehicles.
9401.90.15	Parts of seats nesoi, for bent-wood seats.
9401.90.25	Parts of seats (o/than of 9402) nesoi, of cane, osier, bamboo or similar materials.
9404.30.40	Sleeping bags, containing 20% or more by weight of feathers and/or down.
9404.30.80	Sleeping bags, not containing 20% or more by weight of feathers and/or down.
9404.90.10	Pillows, cushions and similar furnishings, of cotton.
9404.90.20	Pillows, cushions and similar furnishings, other than of cotton.
9404.90.80	Arts. of bedding & similar furnishings stuffed or internally fitted w/any material nesoi, of cotton, w/o embroidery/lace/braid/edging, etc.
9404.90.85	Quilts, eiderdowns, comforters and similar articles, not of cotton.
9404.90.95	Arts. of bedding & similar furnishings stuffed or internally fitted w/any material nesoi.
9503.00.00	Toys, including riding toys o/than bicycles, puzzles, reduced scale models.
9504.20.20	Balls, for billiards.
9504.20.40	Chalk, for billiards.
9504.20.60	Tables, for billiards.
9504.20.80	Articles nesoi and parts and accessories, for billiards.
9504.30.00	Coin- or token-operated games for arcade, table or parlor (o/than bowling alley equipment) nesoi and parts and accessories thereof.
9504.40.00	Playing cards.
9504.50.00	Video game consoles and machines, other than those of heading 9504.30.
9504.90.40	Game machines (o/than coin- or token-operated) and parts and accessories thereof.
9504.90.60	Chess, checkers, backgammon, darts and o/table and parlor games played on boards of a special design and parts thereof; poker chips and dice.
9504.90.90	Articles nesoi for arcade, table or parlor games & parts & access.; automatic bowling alley equipment & parts and accessories thereof.
9505.10.10	Arts. for Christmas festivities, ornaments of glass.
9505.10.15	Arts. for Christmas festivities, ornaments of wood.
9505.10.25	Arts. for Christmas festivities, ornaments, not of glass or wood.
9505.10.30	Arts. for Christmas festivities, nativity scenes and figures thereof.
9505.10.40	Arts. for Christmas festivities (o/than ornaments & nativity scenes) nesoi, of plastics.
9505.10.50	Arts. for Christmas festivities (o/than ornaments & nativity scenes) nesoi, not of plastics.
9505.90.20	Magic tricks and practical joke articles, and parts & accessories thereof nesoi.
9505.90.40	Confetti, paper spirals or streamers, party favors, and noisemakers, and parts & accessories thereof nesoi.
9505.90.60	Festive, carnival or other entertainment articles nesoi and parts & accessories thereof nesoi.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9506.11.20	Skis, cross-country snow-skis.
9506.11.40	Skis, snow-skis (o/than cross-country).
9506.11.60	Parts and accessories (o/than poles) for snow-skis.
9506.12.40	Bindings and parts & accessories thereof, for cross-country snow skis.
9506.12.80	Bindings and parts & accessories thereof, for snow-skis (o/than cross-country).
9506.19.40	Cross country snow-ski equipment nesoi, and parts & accessories thereof nesoi.
9506.19.80	Snow-ski (o/than cross country) equipment nesoi, and parts & accessories thereof nesoi.
9506.21.40	Sailboards.
9506.21.80	Parts and accessories for sailboards.
9506.29.00	Water-skis, surf boards, and other water sport equipment (o/than sailboards) and parts & accessories thereof nesoi.
9506.31.00	Golf clubs, complete.
9506.32.00	Golf balls.
9506.39.00	Golf equipment (o/than golf footwear) nesoi and parts & accessories thereof.
9506.40.00	Articles and equipment for table-tennis and parts & accessories thereof.
9506.51.20	Lawn-tennis rackets, strung.
9506.51.40	Lawn-tennis rackets, not strung.
9506.51.60	Parts and accessories for lawn-tennis rackets.
9506.59.40	Badminton rackets and parts and accessories thereof.
9506.59.80	Rackets for games (o/than for lawn-tennis or badminton) and parts & accessories thereof.
9506.61.00	Lawn-tennis balls.
9506.62.40	Inflatable footballs and soccer balls.
9506.62.80	Inflatable balls (o/than footballs and soccer balls) nesoi.
9506.69.20	Baseballs and softballs.
9506.69.40	Noninflatable hollow balls nesoi, w/diameter of 19 cm or less.
9506.69.60	Noninflatable balls nesoi.
9506.70.20	Roller skates and parts & accessories thereof.
9506.70.40	Ice skates w/footwear permanently attached.
9506.70.60	Skates (o/than roller or ice) nesoi and parts & access. thereof (incl. parts and accessories for ice skates w/perm. attach. footwear).
9506.91.00	Arts. and equip. for general physical exercise, gymnastics or athletics and parts & accessories thereof.
9506.99.05	Archery articles and equipment, and parts & accessories thereof.
9506.99.08	Badminton nets, of cotton.
9506.99.12	Badminton articles and equipment (o/than rackets and cotton nets) and parts & accessories thereof.
9506.99.15	Baseball articles and equipment (o/than baseballs) and parts & accessories thereof.
9506.99.20	Football, soccer and polo articles and equipment (o/than balls), and parts & accessories thereof.
9506.99.25	Ice-hockey and field-hockey articles and equipment (o/than balls and skates), and parts & accessories thereof.
9506.99.28	Lacrosse sticks.
9506.99.30	Lawn-tennis articles and equipment (o/than balls and rackets), and parts & accessories thereof.
9506.99.35	Skeet targets.
9506.99.40	Toboggans; bobsleds and luges of a kind used in international competition.
9506.99.45	Sleds and bobsleds (o/than bobsleds & luges for intl. competition) and parts & accessories for toboggans, sleds, bobsled, luges and the like.
9506.99.50	Snowshoes and parts & accessories thereof.
9506.99.55	Swimming pools and wading pools and parts & accessories thereof.
9506.99.60	Athletic and sports articles and equipment nesoi, and parts & accessories thereof nesoi.
9507.10.00	Fishing rods and parts & accessories thereof.
9507.20.40	Fish hooks, snelled.
9507.20.80	Fish hooks, not snelled.
9507.30.20	Fishing reels, valued not over $2.70 each.
9507.30.40	Fishing reels, valued over $2.70 but not over $8.45 each.
9507.30.60	Fishing reels, valued over $8.45 each.
9507.30.80	Parts and accessories for fishing reels.
9507.90.20	Fishing line, put up and packaged for retail sale.
9507.90.40	Fishing casts or leaders.
9507.90.60	Fish landing nets, butterfly nets and similar nets.
9507.90.70	Artificial baits and flies.
9507.90.80	Line fishing tackle nesoi, decoy ''birds'' & similar hunting or shooting equip., and parts & access. thereof.
9508.10.00	Traveling circuses and traveling menageries; parts and accessories thereof.
9508.90.00	Merry-go-rounds, boat-swings, shooting galleries and other fairground amusements; traveling theaters; parts and accessories thereof.
9601.10.00	Ivory, worked and articles thereof.
9601.90.20	Shell, worked and articles thereof.
9601.90.40	Coral, cut but not set, and cameos, suitable for use in jewelry.
9601.90.60	Bone, horn, hoof, whalebone, quill, or any combination thereof, worked and articles thereof.
9601.90.80	Carving materials of animal parts, worked and articles thereof, nesoi.
9602.00.10	Unhardened gelatin, worked and articles thereof.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9602.00.40	Wax, molded or carved articles.
9602.00.50	Vegetable, mineral or gum materials, worked and articles of these materials.
9603.10.05	Whiskbrooms, wholly or pt. of broom corn, n/o $0.96 each, first 61,655 doz in calendar year classif. In 9603.10.05–9603.10.35.
9603.10.15	Whiskbrooms, wholly or pt. of broom corn, n/o $0.96 each, >first 61,655 dz in calendar year classif. In 9603.10.05–9603.10.35.
9603.10.35	Whiskbrooms, wholly or pt. of broom corn, over $0.96 each.
9603.10.40	Brooms (o/than whiskbrooms), wholly or in part broom corn, val. n/o 96 cents ea, first 121478 dz in calendar yr, class. in 9603.10.
9603.10.50	Brooms (o/than whiskbrooms), wholly or in part broom corn, val. n/o 96 cents ea, in excess of 121478 dz in calendar yr., class in 9603.10.
9603.10.60	Brooms (o/than whiskbrooms), wholly or in part broom corn, val. ov 96 cents each.
9603.10.90	Brooms & brushes of twigs or vegetable materials (o/than broom corn) bound together, w/or w/o handles.
9603.21.00	Toothbrushes, including dental-plate brushes.
9603.29.40	Shaving brushes, hair brushes, nail brushes, eyelash and other toilet brushes (o/than tooth brushes), valued n/o 40 cents each.
9603.29.80	Shaving brushes, hair brushes, nail brushes, eyelash and other toilet brushes (o/than tooth brushes), valued o/40 cents each.
9603.30.20	Artists' brushes, writing brushes and similar brushes for the application of cosmetics, valued n/o 5 cents each.
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.
9603.40.20	Paint rollers.
9603.40.40	Paint, distemper, varnish or similar brushes (o/than artists' brushes); paint pads.
9603.50.00	Brushes, constituting parts of machines, appliances or vehicles, nesoi.
9603.90.40	Feather dusters.
9603.90.80	Brooms & brushes nesoi, mops, hand-operated mechanical floor sweepers, squeegees and similar articles, nesoi.
9604.00.00	Hand sieves and hand riddles.
9605.00.00	Travel sets for personal toilet, sewing, shoe or clothes cleaning (o/than manicure and pedicure sets of 8214).
9608.10.00	Pens, w/ball point.
9608.20.00	Pens and markers, w/felt tip or other porous-tip.
9608.30.00	Pens, fountain, stylograph and other pens, nesoi.
9608.40.40	Pencils, propelling or sliding, w/mechanical action for extending, or for extending and retracting, the lead.
9608.40.80	Pencils, propelling or sliding pencils, not w/mechanical action for extending, or for extending and retracting, the lead.
9608.50.00	Sets of pens, mechanical pencils, etc. from two or more subheadings 9608.10–9608.40.
9608.60.00	Refills for ball point pens, comprising the ball point and ink reservoir.
9608.91.00	Pen nibs and nib points.
9608.99.20	Refill cartridges for pens (o/than ball point pens).
9608.99.30	Balls for ball point pens.
9608.99.40	Parts, of pens, mechanical pencils, etc. provided for in 9608.10, 9608.31, and 9608.39 (o/than balls for ball point pens).
9608.99.60	Duplicating stylos, pen-holders, pencil-holders and similar holders & pts. thereof, and parts of pens, mech. pencils, etc. of 9608 nesoi.
9609.10.00	Pencils & crayons, with leads encased in a rigid sheath.
9609.20.20	Pencil leads, black or colored, n/o 1.5 mm in maximum cross-sectional dimension.
9609.20.40	Pencil leads, black or colored, o/1.5 mm in maximum cross-sectional dimension.
9609.90.40	Tailors' chalks.
9609.90.80	Pencils & crayons (o/than in rigid sheath), pastels, drawing charcoals and writing or drawing chalks, nesoi.
9610.00.00	Slates and boards, with writing or drawing surfaces (whether or not framed).
9611.00.00	Date, sealing or numbering stamps and the like, designed for operating in the hand; hand-operated composing sticks and hand printing sets.
9612.10.10	Ribbons, inked or otherwise prepared, less than 30 mm wide, put up in plastic/metal cart., of a kind used in typewriters, ADP or other mach.
9612.10.90	Ribbons, inked or otherwise prepared (whether or not on spools) nesoi, for typewriters and similar uses.
9612.20.00	Ink pads (whether or not inked and with or without boxes).
9613.10.00	Cigarette lighters and similar lighters, gas fueled, not refillable, for the pocket.
9613.20.00	Cigarette lighters and similar lighters, gas fueled, refillable, for the pocket.
9613.80.10	Cigarette lighters and similar lighters, for the table.
9613.80.20	Cigarette lighters and similar lighters (other than pocket or table), electrical.
9613.80.40	Cigarette lighters & similar lighters (o/than pocket or table), n/elect., of prec. metal (o/than silver), precious/semiprec. stones, or comb.
9613.80.60	Cigarette lighters & similar lighters (o/than pocket or table), n/elect., nesoi, valued n/o $5/dozen pieces.
9613.80.80	Cigarette lighters & similar lighters (o/than pocket or table), n/elect., nesoi, valued over $5/dozen pieces.
9613.90.40	Parts for electrical cigarette lighters and similar lighters.
9613.90.80	Parts for nonelectrical cigarette lighters and similar lighters.
9614.00.21	Roughly shaped blocks of wood or root, for the manufacture of smoking pipes.
9614.00.25	Smoking pipes (o/than roughly shaped blocks of wood or root for the manufacture of smoking pipes) and pipe bowls of wood or root.
9614.00.26	Smoking pipes and bowls, wholly of clay, and other smoking pipes w/bowls wholly of clay.

ANNEX—PROPOSED PRODUCT LIST—Continued

SECTION 1

[All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Section 1 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 1 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS subheading	Product description
9614.00.28	Smoking pipes and pipe bowls (o/than wood, root or wholly of clay).
9614.00.94	Cigar or cigarette holders of metal; parts of metal for smoking pipes & bowls or for cigar or cigarette holders.
9614.00.98	Cigar or cigarette holders o/than of metal; parts o/than of metal for smoking pipes & bowls or for cigar or cigarette holders.
9615.11.10	Combs, of hard rubber or plastics, valued n/o $4.50 per gross.
9615.11.20	Combs, of hard rubber, valued over $4.50 per gross.
9615.11.30	Combs, of plastics, valued over $4.50 per gross.
9615.11.40	Hair slides and the like, of hard rubber or plastics, not set with imitation pearls or imitation gemstones.
9615.11.50	Hair slides and the like, of hard rubber or plastics, set w/imitation pearls or imit. gemstones.
9615.19.20	Combs, not of hard rubber or plastics, valued n/o $4.50 per gross.
9615.19.40	Combs, not of hard rubber or plastics, valued over $4.50 per gross.
9615.19.60	Hair-slides and the like, not of hard rubber or plastics.
9615.90.20	Nonthermic, nonornamental devices for curling the hair.
9615.90.30	Hair pins.
9615.90.40	Hair accessories and pts thereof, and pts. of combs, hair slides, etc. nesoi, of rubber or plastics, n/set w/imit. pearls or imit. gemstones.
9615.90.60	Hair accessories and pts thereof, and pts. of combs, hair slides, etc. nesoi.
9616.10.00	Scent sprayers and similar toilet sprayers, and mounts and heads therefor.
9616.20.00	Powder puffs and pads for the application of cosmetics or toilet preparations.
9617.00.10	Vacuum flasks and vessels, complete with cases, w/capacity n/o 1 liter.
9617.00.30	Vacuum flasks and vessels, complete with cases, w/capacity o/1 liter but n/o 2 liters.
9617.00.40	Vacuum flasks and vessels, complete with cases, w/capacity o/2 liters.
9617.00.60	Vacuum flask and vacuum vessel parts (o/than glass liners).
9618.00.00	Tailors' dummies and other mannequins; automatons and other animated displays used for shop window dressing.
9619.00.05	Sanitary napkins and tampons, diapers and diaper liners and similar sanitary articles, of plastics.
9619.00.11	Sanitary napkins and tampons, diapers and diaper liners and similar sanitary articles, of paper pulp.
9619.00.15	Sanitary napkins and tampons, diapers and diaper liners and similar sanitary articles, other than of paper pulp.
9619.00.21	Sanitary towels and tampons, diapers and diaper liners for babies and similar sanitary articles, of wadding of cotton.
9619.00.25	Sanitary towels and tampons, diapers and diaper liners for babies & similar sanitary articles, of wadding of other textile materials, nesoi.
9619.00.31	Babies' diapers, knitted or crocheted, of cotton, nesoi.
9619.00.33	Babies' diapers nesoi, of cotton, not knitted or crocheted.
9619.00.41	Babies' diapers, not knitted or crocheted, nesoi, of synthetic fibers.
9619.00.43	Babies' diapers, not knitted or crocheted, nesoi, of artificial fibers.
9619.00.46	Babies diapers, of textile materials (except wool, cotton or mmf), containing under 70% by weight of silk, k/c.
9619.00.48	Babies' diapers, of textile mats (except wool, cotton or mmf), cont under 70% by wt of silk or silk waste, not k/c.
9619.00.61	Other sanitary garments nesoi, knitted or crocheted, of cotton.
9619.00.64	Other sanitary garments nesoi, knitted or crocheted, of man-made fibers.
9619.00.68	Other sanitary garments, nesoi, of textile materials (except wool, cotton or mmf), <70% by wt of silk or silk waste, knitted/crocheted.
9619.00.71	Other sanitary garments nesoi, not knitted or crocheted, of cotton.
9619.00.74	Other sanitary garments nesoi, not knitted or crocheted, of man-made fibers.
9619.00.78	Men's or boys' other sanitary garments, nesoi, of tex mat (except wool, cotton or mmf), cont under 70% by wt of silk, not k/c.
9619.00.79	Women's or girls' other sanitary garments, nesoi, of tex mat (except wool, cotton or mmf), cont under 70% by wt of silk, not k/c.
9619.00.90	Other sanitary included articles of textile materials, nesoi.
9701.10.00	Paintings, drawings (o/than of 4906) and pastels, executed entirely by hand, whether or not framed.
9701.90.00	Collages and similar decorative plaques, executed entirely by hand, whether or not framed.
9702.00.00	Original engravings, prints and lithographs, whether or not framed.
9703.00.00	Original sculptures and statuary, in any material.
9704.00.00	Postage or revenue stamps, stamp-postmarks, first-day covers, postal stationery, and the like, used or unused, other than heading 4907.
9705.00.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological etc. interest.
9706.00.00	Antiques of an age exceeding one hundred years.

SECTION 2

[All products that are classified in the 10-digit statistical reporting numbers of the HTS that are listed in Section 2 of this Annex are covered by the proposed action. The product descriptions that are contained in Section 2 of this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.]

HTS statistical reporting No.	Product description
2931.90.9051	NON–AROMATIC ORGANO–INORGANIC COMPOUNDS, NESOI.
8517.62.0090	MACHINES FOR THE RECEPTION, CONVERSION AND TRANSMISSION OR REGENERATION OF VOICE, IMAGES OR OTHER DATA, NESOI.
9401.61.4001	CHAIRS FOR CHILDREN, INCLUDING HIGHCHAIRS, UPHOLSTERED, WITH WOODEN FRAMES, NESOI.
9401.69.6001	CHAIRS FOR CHILDREN, INCLUDING HIGHCHAIRS, WITH WOODEN FRAMES, NESOI.
9401.71.0001	HIGHCHAIRS AND BOOSTER SEATS, UPHOLSTERED, WITH METAL FRAMES.
9401.71.0005	INFANT WALKERS, UPHOLSTERED, WITH METAL FRAMES.
9401.71.0006	BOUNCERS WITH SEATS, UPHOLSTERED, WITH METAL FRAMES.
9401.71.0007	SWINGS FOR CHILDREN, UPHOLSTERED, WITH METAL FRAMES.
9401.79.0001	HIGHCHAIRS AND BOOSTER SEATS WITH METAL FRAMES, NESOI.
9401.79.0002	INFANT WALKERS WITH METAL FRAMES, NESOI.
9401.79.0003	BOUNCERS WITH SEATS, WITH METAL FRAMES, NESOI.
9401.79.0004	SWINGS FOR CHILDREN, WITH METAL FRAMES, NESOI.
9401.80.2001	HIGHCHAIRS, BOOSTER SEATS EXC FOR MOTOR VEHICLES, BATH SEATS, INFANT WALKERS, BOUNCERS W/ SEATS, SWINGS FOR CHILDREN, OF REINFORCED/LAMINATED PLASTICS.
9401.80.4001	HIGHCHAIRS, BOOSTER SEATS EXCEPT FOR MOTOR VEHICLES, BATH SEATS, INFANT WALKERS, BOUNCERS WITH SEATS, SWINGS FOR CHILDREN, OF RUBBER OR PLASTICS NESOI.
9401.80.6021	CHILD SAFETY SEATS WITH DETACHABLE HARD–SHELL SEAT.
9401.80.6023	CHILD SAFETY SEATS, NESOI.
9403.70.4003	PLAY YARDS AND OTHER ENCLOSURES FOR CONFINING CHILDREN, OF REINFORCED OR LAMINATED PLASTICS.
9403.70.8003	PLAY YARDS AND OTHER ENCLOSURES FOR CONFINING CHILDREN, OF PLASTICS, NESOI.

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Part III

Envionmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants: Boat Manufacturing and Reinforced Plastic Composites Production Residual Risk and Technology Review; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2016–0447 and EPA–HQ–OAR–2016–0449; FRL–9992–76–OAR]

RIN 2060–AT12

National Emission Standards for Hazardous Air Pollutants: Boat Manufacturing and Reinforced Plastic Composites Production Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing and the NESHAP for Reinforced Plastic Composites Production. The proposed amendments address the results of the residual risk and technology review (RTR) conducted as required under the Clean Air Act (CAA) for these source categories. The EPA is proposing to find the risks due to emissions of air toxics from these source categories under the current standards to be acceptable and that the standards provide an ample margin of safety to protect public health. We are proposing no revisions to the numerical emission limits or other aspects of the rules based on these risk analyses or technology reviews. Additionally, the EPA is proposing to amend provisions addressing emissions during periods of startup, shutdown, and malfunction (SSM) and to amend provisions regarding electronic reporting of certain notifications, performance test results, and semiannual reports.

DATES:

Comments. Comments must be received on or before July 1, 2019. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before June 17, 2019.

Public Hearing. If anyone contacts us requesting a public hearing on or before May 22, 2019, we will hold a hearing. Additional information about the hearing, if requested, will be published in a subsequent **Federal Register** document and posted at *https://www.epa.gov/stationary-sources-air-pollution/boat-manufacturing-national-emission-standards-hazardous-air* for the Boat Manufacturing NESHAP, and *https://www.epa.gov/stationary-sources-air-pollution/reinforced-plastic-composites-production-national-emission* for the Reinforced Plastic Composites Production NESHAP. See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

ADDRESSES:

Comments. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. See **SUPPLEMENTARY INFORMATION** for detail about how the EPA treats submitted comments. *Regulations.gov* is our preferred method of receiving comments. However, the following other submission methods are also accepted:

- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP.
- *Mail:* To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery, or courier: EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–4991; and email address: *storey.brian@epa.gov.* For specific information regarding the risk modeling methodology, contact Mr. James Hirtz, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0881; fax number: (919) 541–0840; and email address: *hirtz.james@epa.gov.* For information about the applicability of the Boat Manufacturing NESHAP or Reinforced Plastic Composites Production NESHAP to a particular entity, contact Mr. John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building (Mail Code 2221A), 1200 Pennsylvania Avenue NW, Washington DC 20460; telephone number: (202) 564–1395; and email address: *cox.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public hearing. Please contact Ms. Nancy Perry at (919) 541–5628 or by email at *perry.nancy@epa.gov* to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP. 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, EPA 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–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–

OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP. 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://www2.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.*

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, mark the outside of the digital storage media clearly 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 Code of Federal Regulations (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–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP.

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:

AEGL acute exposure guideline level
AERMOD air dispersion model used by the HEM–3 model
ATSDR Agency for Toxic Substances and Disease Registry
BMC bulk molding compound
CAA Clean Air Act
CalEPA California EPA
CBI Confidential Business Information
CEDRI compliance and emissions data reporting interface
CFR Code of Federal Regulations
EPA Environmental Protection Agency
ERPG Emergency Response Planning Guideline
ERT electronic reporting tool
GACT generally available control technologies
HAP hazardous air pollutant(s)
HCl hydrochloric acid
HEM–3 Human Exposure Model, Version 1.1.0
HF hydrogen fluoride
HI hazard index
HQ hazard quotient
ICR information collection request
IRIS Integrated Risk Information System km kilometer
MACT maximum achievable control technology
MDI 4,4′-diphenylmethane diisocyanate
mg/m^3 milligrams per cubic meter
MIR maximum individual risk
MMA methyl methacrylate
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NEI national emissions inventory
NESHAP national emission standards for hazardous air pollutants
NSR new source review
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
POM polycyclic organic matter
ppm parts per million
PRA Paperwork Reduction Act
RBLC Reasonably Available Control Technology, Best Available Control Technology, and Lowest Achievable Emission Rate (RACT/BACT/LAER) Clearinghouse
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RTR residual risk and technology review
SAB Science Advisory Board
SMC sheet molding compound
SSM startup, shutdown, and malfunction
TOSHI target organ-specific hazard index
tpy tons per year
TRIM.FaTE Total Risk Integrated Methodology. Fate, Transport, and Ecological Exposure model
UF uncertainty factor
μg/m^3 microgram per cubic meter
UMRA Unfunded Mandates Reform Act
URE unit risk estimate

Organization of this Document. The information in this preamble is organized as follows:

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G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA)
K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source categories that are the subject of this proposal. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this proposed action is likely to affect. The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities would not be affected by this proposed action.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

NESHAP and source category	NAICS code [1]	Regulated entities
Boat Manufacturing	336612	Boat manufacturing facilities that perform fiberglass production operations or aluminum coating operations.
Reinforced Plastic Composites Production	326113, 326121, 326122, 326130, 326140, 326191, 327110, 327991, 332321, 332420, 333132, 333415, 333611, 333924, 334310, 335311, 335313, 335932, 336111, 336211, 336213, 336214, 336320, 336413, 336510, 337110, 337125, 337127, 337215, 339920, 339991.	Reinforced plastic composites production facilities that manufacture intermediate, and/or final products using styrene containing thermoset resins and gel coats.

[1] North American Industry Classification System.

B. 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 action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/boat-manufacturing-national-emission-standards-hazardous-air* for the Boat Manufacturing NESHAP, and *https://www.epa.gov/stationary-sources-air-pollution/reinforced-plastic-composites-production-national-emission* for the Reinforced Plastic Composites Production NESHAP. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website. Information on the overall RTR program is available at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

A redline version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP or Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP).

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112 of the CAA establishes a two-stage regulatory process to develop standards for emissions of hazardous air pollutants (HAP) from stationary sources. Generally, the first stage involves establishing technology-based standards and the second stage involves evaluating those standards that are based on maximum achievable control technology (MACT) 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, the CAA also requires the EPA to review standards set under CAA section 112 every 8 years to determine if there are ''developments in practices, processes, or control technologies'' that may be appropriate to incorporate into the standards. This review is commonly referred to as the ''technology review.'' When the two reviews are combined into a single rulemaking, it is commonly referred to as the ''risk and technology review.''

The discussion that follows identifies the most relevant statutory sections and briefly explains the contours of the methodology used to implement these statutory requirements. A more comprehensive discussion appears in the document titled *CAA Section 112 Risk and Technology Reviews: Statutory Authority and Methodology* in the docket for this rulemaking.

In the first stage of the CAA section 112 standard setting 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 tons per year (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 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 are commonly referred to as 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. 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.

The second stage in standard-setting focuses on identifying and addressing any remaining (*i.e.,* ''residual'') risk according to CAA section 112(f). For source categories subject to MACT standards, section 112(f)(2) of the CAA requires the EPA to determine whether promulgation of additional standards is needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. Section 112(d)(5) of the CAA provides that this residual risk review is not required for categories of area sources subject to GACT standards. Section 112(f)(2)(B) of the CAA further expressly preserves the EPA's use of the two-step approach for developing standards to address any residual risk and the Agency's interpretation of ''ample margin of safety'' developed in the *National Emissions Standards for Hazardous Air Pollutants: Benzene Emissions from Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels, Benzene Equipment Leaks, and Coke By-Product Recovery Plants* (Benzene NESHAP) (54 FR 38044, September 14, 1989). The EPA notified Congress in the Risk Report that the Agency intended to use the Benzene NESHAP approach in making CAA section 112(f) residual risk determinations (EPA–453/R–99–001, p. ES–11). The EPA subsequently adopted this approach in its residual risk determinations and the United States Court of Appeals for the District of Columbia Circuit (the Court) upheld the EPA's interpretation that CAA section 112(f)(2) incorporates the approach established in the Benzene NESHAP. See *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008).

The approach incorporated into the CAA and used by the EPA to evaluate residual risk and to develop standards under CAA section 112(f)(2) is a two-step approach. In the first step, the EPA determines whether risks are acceptable. This determination ''considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual lifetime [cancer] risk (MIR) [1] of approximately 1 in 10 thousand.'' 54 FR 38045, September 14, 1989. If risks are unacceptable, the EPA must determine the emissions standards necessary to reduce risk to an acceptable level without considering costs. In the second step of the approach, the EPA considers whether the emissions standards provide an ample margin of safety to protect public health ''in consideration of all health information, including the number of persons at risk levels higher than approximately 1 in 1 million, as well as other relevant factors, including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.'' *Id.* The EPA must promulgate emission standards necessary to provide an ample margin of safety to protect public health. After conducting the ample margin of safety analysis, we consider whether a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

CAA section 112(d)(6) separately requires the EPA to review standards promulgated under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years. In conducting this review, which we call the ''technology review,'' 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 (D.C. Cir. 2013). The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6).

B. What is this source category and how does the current NESHAP regulate its HAP emissions?

1. What is the Boat Manufacturing source category and how does the current NESHAP regulate its HAP emissions?

The Boat Manufacturing NESHAP was promulgated on August 22, 2001 (66 FR 44218), and codified at 40 CFR part 63, subpart VVVV. As promulgated, the Boat Manufacturing NESHAP applies to fiberglass and aluminum boat manufacturing operations located at facilities considered to be major sources of HAP emissions. The HAP emissions from these boat manufacturing operations and processes are fugitive emissions. Fugitive emissions result from HAP evaporating from the resins, gel coats, solvents, adhesives, and surface coatings used in manufacturing processes. The following is a brief description of these processes and operations found at boat manufacturing facilities: Fiberglass boat manufacturing operations; fabric and carpet adhesive operations; and aluminum boat surface coating operations.

Fiberglass boat manufacturing operations. Fiberglass boat manufacturing involves using glass fiber reinforcements laid in a mold and saturating the fiberglass with resin. The resin hardens to form a rigid plastic part reinforced with fiberglass. Manufacturing processes are generally considered either ''open molding'' or ''closed molding.''

In open molding, the outer parts of the boat are built by first spraying a mold with a layer of gel coat, which is a pigmented polyester resin that hardens and becomes the smooth outside surface of the part. The inside of the hardened gel coat layer is coated

[1] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk if an individual were exposed to the maximum level of a pollutant for a lifetime.

with chopped glass fibers and polyester or vinylester resin. Additional layers of fiberglass cloth or chopped glass fibers saturated with resin are added until the part is the final thickness. The same basic process is used to build or repair molds with tooling gel coat and tooling resin.

Closed molding processes include resin infusion molding and resin transfer molding. These processes are typically used to produce smaller boat parts and involve packing a mold cavity with fiberglass reinforcement and infusing the fiber with resin either under pressure, where the resin is ''pushed'' into the mold cavity, or under vacuum, where the air of the mold cavity is removed and replaced by resin. In either process, the mold is sealed, to effectively transfer the resin into the mold cavity and to control the saturation of the fiber reinforcement.

The resins that are used in fiberglass boat manufacturing contain styrene as a solvent and a cross-linking agent. Gel coats contain styrene and methyl methacrylate (MMA) which provides resistance to degradation of the gel coat by ultraviolet light. Styrene and MMA are HAP, and, in an open mold process, a fraction evaporates during resin and gel coat application and curing. Resins and gel coats containing styrene and MMA are also used to make the molds used in the manufacturing process. Mixing is done to resins or gel coats to mix the resins and gel coats with promoters, fillers, or other additives before being applied to the mold. Some HAP from the resins and gel coats are emitted during the mixing process. Resin and gel coat application equipment requires solvent cleaning to remove uncured resin or gel coat when not in use. The resin or gel coat can catalyze in the hoses or gun if not flushed with a solvent after each use.

For some types of boats, the void spaces between the walls of the boat are filled with a foam to provide additional buoyancy to the boat, once constructed. The foam is formed by pouring a two-part foam product into the void space. The two-part product consists of resin, where the HAP is predominantly styrene and 4,4′-diphenylmethane diisocyanate (MDI), another HAP in the process. The MDI component of the foam is a reactant that reacts with the resin, when combined, to form the hardened polyurethane foam.

Fabric and carpet adhesive operations. The interiors of many types of fiberglass boats and aluminum boats are covered with carpeting or fabric to improve the appearance, provide traction, or deaden sound. The material is bonded to the interior with contact adhesives. The adhesives can include HAP such as methylene chloride, toluene, xylenes, and methyl chloroform.

Aluminum boat surface coatings. Aluminum boat hull topsides and decks are painted with coatings applied with spray guns. These coatings may be high-gloss polyurethane coatings or low-gloss single-part coatings. These surface coatings often contain HAP solvents, such as toluene, xylenes, and isocyanates. The HAP-containing solvents are also used to clean surfaces before finishing (wipe-down solvents) and for cleaning paint and coating spray guns.

The Boat Manufacturing NESHAP regulates organic HAP from sources that manufacture non-commercial and non-military aluminum boats or all types of fiberglass boats. Coating operations on vessels used for commercial and military purposes are covered by the Shipbuilding and Repair NESHAP (40 CFR part 63, subpart II). The Boat Manufacturing NESHAP applies to the following operations: All open molding operations, including pigmented gel coat, clear gel coat, production resin, tooling resin, and tooling gel coat, and all closed molding resin operations. The NESHAP regulates HAP emissions by setting a HAP content limit for the resins and gel coats used at each regulated open molding resin and gel coat operation. For each regulated open molding resin operation, the NESHAP establishes separate HAP content limits for atomized and non-atomized resin application methods. For closed molding operations, no limits apply to the resin application operation if it meets the specific definition of closed molding provided in the NESHAP. If a molding operation does not meet the definition of closed molding that is provided in the NESHAP, then it must comply with the applicable emission limits for open molding. Other operations are subject to either work practice requirements or HAP content limits, including the following:

- All resin and gel coat application equipment cleaning;
- All resin and gel coat mixing operations; and
- All carpet and fabric adhesive operations.

Resin and gel coat mixing containers with a capacity of 208 liters (55 gallons) or more must be covered with tightly fitted lids. Routine resin and gel coat equipment cleaning operations must use solvents containing no more than 5-percent organic HAP, but solvents used to remove cured resin or gel coat from equipment are exempt from the HAP content limits. However, the containers used to hold the exempt solvent and to clean equipment being used with cured resin and gel coat must be covered, and there is an annual limit on the amount of exempt solvent that can be used. Lastly, the NESHAP includes HAP limits for carpet and fabric adhesives operations, limiting use to those adhesives that contain no more than 5-percent organic HAP by weight.

The Boat Manufacturing NESHAP applies to aluminum recreational boat manufacturing facilities performing the following operations:

- All aluminum recreational boat surface coating and associated spray gun cleaning and wipe-down solvent operations; and
- All carpet and fabric adhesive operations.

The NESHAP includes the following requirements for aluminum recreational boat manufacturing:

- Aluminum wipe-down solvents are limited to no more than 0.33 kilograms of organic HAP per liter of total coating solids applied (2.75 pounds per gallon) from aluminum primers, clear coats, and top coats combined (no limit applies when cleaning surfaces are receiving decals or adhesive graphics).
- Aluminum recreational boat surface coatings (including thinners, activators, primers, topcoats, and clear coats) are limited to no more than 1.22 kilograms of organic HAP per liter of total coating solids applied (10.18 pounds per gallon) from aluminum primers, clear coats, and top coats combined.
- Combined aluminum surface coatings and aluminum wipe-down solvents are limited to no more than 1.55 kilograms of organic HAP per liter of total coating solids applied (12.9 pounds per gallon) from aluminum primers, clear coats, and top coats combined.

In addition, aluminum recreational boat manufacturing facilities must meet work practice standards to ensure that spray guns are cleaned and the cleaning solvent is stored in an enclosed device, and that the enclosure remains closed when not in use.

The applicability of Boat Manufacturing NESHAP requirements is described in greater detail in the 2001 rule (66 FR 44218) and 40 CFR part 63, subpart VVVV.

2. What is the Reinforced Plastic Composites Production source category and how does the current NESHAP regulate its HAP emissions?

The Reinforced Plastic Composites Production NESHAP was originally promulgated on April 21, 2003 (68 FR 19375) and was amended on August 25, 2005 (70 FR 50118). The requirements

are codified at 40 CFR part 63, subpart WWWW. The Reinforced Plastic Composites Production source category includes the manufacturing of reinforced and non-reinforced plastic composite products and the production of plastic molding compounds used in the production of plastic composite products. As with boat manufacturing, reinforced plastic composite products are manufactured using resins containing styrene. Some processes use gel coats containing styrene and MMA. Operations also include mixing, tooling, and equipment cleaning. Many of the reinforced plastic composites products are manufactured using an open molding process similar to the boat manufacturing industry. As with boat manufacturing, the air emissions resulting from an open mold manufacturing process are fugitive in nature. Additionally, however, the reinforced plastic composites production processes can include pultrusion, sheet molding compound (SMC) and bulk molding compound (BMC) manufacturing, filament winding, casting, and other processes. The following paragraphs provide a brief description of some of the various processes utilized in the Reinforced Plastic Composites Production source category.

Open Mold Process. The use of open molds is similar to the boat manufacturing operations, where the mold is sprayed with a layer of gel coat, or chopped glass fibers and polyester or vinylester resin. Additional layers of fiberglass and resin are added until the manufactured part is the final thickness. In addition, woven roving or mats can also be used instead of chopped fiber, in which case a spray gun would apply resin to saturate the fiberglass mat. Once the material has been applied to the mold, brushes or rollers are used to remove any entrapped air and to assure that the laminate is thoroughly ''wet.''

Pultrusion. Pultrusion is a continuous manufacturing process that produces parts with constant cross-sectional shapes. In a pultrusion operation, the composite is pulled through an extrusion-type die by a gripper/puller system. Reinforcing fibers are pulled through a resin bath where all materials are thoroughly impregnated with liquid resin. The wet fibrous laminate is formed to the desired geometric shape in a pre-forming section and pulled into the heated steel die. As an alternative to using a resin bath, resin can be injected into the pre-forming section (resin injection) or directly into the forming die (die injection). In the die, the resin cure is initiated by elevated temperatures. The laminate solidifies in the exact shape of the die cavity as it is being continuously pulled by the pultrusion machine. The cured product can then be cut to desired lengths.

Compression Molding. Compression molding operations involve compressing the composite material under hydraulic pressure in matched metal dies and holding the configured, condensed material in the desired shape until the resin system has cured. The composite materials used in the compression molding process include SMC and BMC. SMC manufacturing includes an integrated composite material which contains all reinforcement, resin, fillers, chemical thickeners, catalyst, mold release agents, and other ingredients in an easily handled sheet. BMC manufacturing includes preparing a putty-like molding compound, which contains resins, catalysts, fillers, and reinforcements in a ''ready-to-mold'' form. The production output in compression molding is relatively high because the molding compounds cure rapidly in the heated mold. The materials generally yield a good finish without application of gel coat. Both surfaces of the molded product will be as smooth as the mold surface.

Filament Winding. Filament winding is a composite production process for manufacturing products that are surfaces of revolution. In this process, fibers are impregnated with resin in a resin bath and wrapped around a rotating mold surface following a machine controlled geometric pattern. The product is then cured in an oven or at room temperature. All types of reinforcing fibers can be utilized in filament winding, but continuous glass fiber is most commonly used due to its high specific strength and relative low cost. Different winding patterns can be applied alone or in combination to achieve the desired strength and shape characteristics.

Polymer Casting. In the polymer casting process, polymers, fillers, and additives are combined by pouring or dispensing these materials into open or partially open molds and allowing the materials to cure. Fiberglass reinforcement is generally not used in cast polymer products. In the polymer casting process, the resin matrix is catalyzed and cast onto the mold which is usually vibrated to allow air bubbles to escape. Following vibration, the product enters an exothermic stage in which the matrix's chemical reaction generates heat that causes the product to cure. In some cases, an oven is used to accelerate cure.

Centrifugal Casting. In centrifugal casting, resin and fiber reinforcements (if needed) are deposited against the inside surface of a rotating mold. A resin applicator which is often located in the center of the rotating mold supplies the resin to the inside of the cast. Centrifugal force holds the material in place while the part is cured. The outside surface of the part, which is cured against the inside surface of the mold, represents the finished surface. The interior surface of the centrifugally cast part can be improved by adding an additional coat of pure resin.

The Reinforced Plastic Composites Production NESHAP applies to owners/operators of reinforced plastic composites production facilities located at major sources of HAP emissions. Applicable production is limited to operations in which reinforced and/or nonreinforced plastic composites or plastic molding compounds are manufactured using thermoset resins and/or gel coats that contain styrene to produce plastic composites. Applicable operations also include cleaning, mixing, HAP-containing materials storage, and repair operations associated with the production of plastic composites. The Reinforced Plastic Composites Production NESHAP does not apply to those facilities who only repair reinforced plastic composites products. These repairs include the non-routine manufacturing of individual components or parts intended to repair a larger item. Additionally, the Reinforced Plastic Composites Production NESHAP does not apply to research and development facilities, as defined in section 112(c)(7) of the CAA. Lastly, the Reinforced Plastic Composites Production NESHAP is limited to those facilities that use greater than 1.2 tpy of thermoset resins and gel coats (combined) that contain styrene. Facilities are required to incorporate pollution-prevention techniques in their production processes. These techniques include the following:

- Using raw materials containing low amounts of air toxics;
- Non-atomized resin application; and
- Covering open resin baths and tanks.

In general, the Reinforced Plastic Composites Production NESHAP requirements apply to three groups of operations, which include the following:

- Sources required to reduce HAP emissions by 95 percent;
- Sources required to comply with work practice standards; and
- Sources required to comply with emission limits.

The applicability of these requirements is described in greater detail in the 2003 rule (68 FR 19375), and 40 CFR part 63, subpart WWWW.

C. What data collection activities were conducted to support this action?

For the residual risk assessment, the EPA sent out an information collection request (ICR) to nine parent companies subject to the Boat Manufacturing NESHAP, requesting information regarding the boat manufacturing process and the associated air emissions. The information requested included description of HAP-emitting processes, information on the HAP-containing materials used, estimates of emissions, and descriptions of control technologies, if present. After receiving information, as requested, from the boat manufacturing facilities surveyed, the EPA compiled the data with the intent to use the information as a reference to develop the risk assessment modeling file. The ICR information provided supplemental information regarding processes, the sources of HAP emissions, material usages, and stack information. No ICR was sent to sources in the Reinforced Plastic Composites Production source category.

For both the Boat Manufacturing NESHAP RTR and the Reinforced Plastic Composites Production NESHAP RTR, the EPA used data from the 2014 National Emissions Inventory (NEI). The NEI is a database that contains information about sources that emit criteria air pollutants, their precursors, and HAP. The database includes estimates of annual air pollutant emissions from point, nonpoint, and mobile sources in the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. The EPA collects this information and releases an updated version of the NEI database every 3 years. The NEI includes data necessary for conducting risk modeling, including annual HAP emissions estimates from individual emission points at facilities and the related emissions release parameters. The EPA used NEI emissions and supporting data as the primary data to develop the model input files for the residual risk assessments for the Boat Manufacturing and Reinforced Plastic Composites Production source categories. Additional information on the development of the modeling file for each source category can be found in Appendix 1 to the *Residual Risk Assessment for the Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* (Docket ID No. EPA–HQ–OAR–2016–0447) and Appendix 1 to the *Residual Risk Assessment for the reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* (Docket ID No. EPA–HQ–OAR–2016–0449).

For both the risk modeling and technology review portion of these RTRs, the EPA visited one boat manufacturing facility and six reinforced plastic composites production facilities. During the visits, the EPA discussed process operations, compliance with the existing NESHAP, description of the emission points, process controls, unregulated emissions, and other aspects of facility operations. We used the information provided by the facilities to understand the various operations, and in our evaluation of existing controls and new developments in practices, processes, and control technologies for both source categories. The site visit reports are included as attachments to the memorandum, *Technology Review for Boat Manufacturing and Reinforced Plastic Composites Production Source Category,* in the docket for each source category (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP).

For both the risk modeling and technology review, the EPA also gathered data from facility construction and operating permits regarding emission points, air pollution control devices, and process operations. We collected permits and supporting documentation from state permitting authorities through state-maintained online databases. The facility permits were also used to confirm that the facilities were major sources of HAP and were subject to the NESHAP that are the subject of these risk assessments. In certain cases, we contacted facility owners or operators to confirm and clarify the sources of emissions that were reported in the NEI.

D. What other relevant background information and data are available?

For the technology review portion of these RTRs, we collected information from the Reasonably Available Control Technology, Best Available Control Technology, and Lowest Achievable Emission Rate Clearinghouse (RBLC). This is a database that contains case-specific information on air pollution technologies that have been required to reduce the emissions of air pollutants from stationary sources. Under the EPA's New Source Review (NSR) program, if a facility is planning new construction or a modification that will increase the air emissions above certain defined thresholds, an NSR permit must be obtained. The RBLC promotes the sharing of information among permitting agencies and aids in case-by-case determinations for NSR permits. We examined information contained in the RBLC to determine what technologies are currently used for these source categories to reduce air emissions.

Additional information about these data collection activities for the technology reviews is contained in the technology review memorandum titled *Technology Review for Boat Manufacturing and Reinforced Plastic Composites Production Source Category* (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP).

III. Analytical Procedures and Decision-Making

In this section, we describe the analyses performed to support the proposed decisions for the RTR and other issues addressed in this proposal.

A. How do we consider risk in our decision-making?

As discussed in section II.A of this preamble and in the Benzene NESHAP, in evaluating and developing standards under CAA section 112(f)(2), we apply a two-step approach to determine whether or not risks are acceptable and to determine if the standards provide an ample margin of safety to protect public health. As explained in the Benzene NESHAP, ''the first step judgment on acceptability cannot be reduced to any single factor'' and, thus, ''[t]he Administrator believes that the acceptability of risk under section 112 is best judged on the basis of a broad set of health risk measures and information.'' 54 FR 38046, September 14, 1989. Similarly, with regard to the ample margin of safety determination, ''the Agency again considers all of the health risk and other health information considered in the first step. Beyond that information, additional factors relating to the appropriate level of control will also be considered, including cost and economic impacts of controls, technological feasibility, uncertainties, and any other relevant factors.'' *Id.*

The Benzene NESHAP approach provides flexibility regarding factors the EPA may consider in making determinations and how the EPA may weigh those factors for each source category. The EPA conducts a risk assessment that provides estimates of

the MIR posed by the HAP emissions from each source in the source category, the hazard index (HI) for chronic exposures to HAP with the potential to cause noncancer health effects, and the hazard quotient (HQ) for acute exposures to HAP with the potential to cause noncancer health effects.[2] The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The scope of the EPA's risk analysis is consistent with the EPA's response to comments on our policy under the Benzene NESHAP where the EPA explained that:

> [t]he policy chosen by the Administrator permits consideration of multiple measures of health risk. Not only can the MIR figure be considered, but also incidence, the presence of non-cancer health effects, and the uncertainties of the risk estimates. In this way, the effect on the most exposed individuals can be reviewed as well as the impact on the general public. These factors can then be weighed in each individual case. This approach complies with the *Vinyl Chloride* mandate that the Administrator ascertain an acceptable level of risk to the public by employing his expertise to assess available data. It also complies with the Congressional intent behind the CAA, which did not exclude the use of any particular measure of public health risk from the EPA's consideration with respect to CAA section 112 regulations, and thereby implicitly permits consideration of any and all measures of health risk which the Administrator, in his judgment, believes are appropriate to determining what will 'protect the public health'.

See 54 FR 38057, September 14, 1989. Thus, the level of the MIR is only one factor to be weighed in determining acceptability of risk. The Benzene NESHAP explained that ''an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or, the Agency may find, in a particular case, that a risk that includes an MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.'' *Id.* at 38045. Similarly, with regard to the ample margin of safety analysis, the EPA stated in the Benzene NESHAP that: ''EPA believes the relative weight of the many factors that can be considered in selecting an ample margin of safety can only be determined for each specific source category. This occurs mainly because technological and economic factors (along with the health-related factors) vary from source category to source category.'' *Id.* at 38061. We also consider the uncertainties associated with the various risk analyses, as discussed earlier in this preamble, in our determinations of acceptability and ample margin of safety.

The EPA notes that it has not considered certain health information to date in making residual risk determinations. At this time, we do not attempt to quantify the HAP risk that may be associated with emissions from other facilities that do not include the source categories under review, mobile source emissions, natural source emissions, persistent environmental pollution, or atmospheric transformation in the vicinity of the sources in the categories.

The EPA understands the potential importance of considering an individual's total exposure to HAP in addition to considering exposure to HAP emissions from the source category and facility. We recognize that such consideration may be particularly important when assessing noncancer risk, where pollutant-specific exposure health reference levels (*e.g.,* reference concentrations (RfCs)) are based on the assumption that thresholds exist for adverse health effects. For example, the EPA recognizes that, although exposures attributable to emissions from a source category or facility alone may not indicate the potential for increased risk of adverse noncancer health effects in a population, the exposures resulting from emissions from the facility in combination with emissions from all of the other sources (*e.g.,* other facilities) to which an individual is exposed may be sufficient to result in an increased risk of adverse noncancer health effects. In May 2010, the Science Advisory Board (SAB) advised the EPA ''that RTR assessments will be most useful to decision makers and communities if results are presented in the broader context of aggregate and cumulative risks, including background concentrations and contributions from other sources in the area.'' [3]

In response to the SAB recommendations, the EPA incorporates cumulative risk analyses into its RTR risk assessments, including those reflected in this proposal. The Agency (1) conducts facility-wide assessments, which include source category emission points, as well as other emission points within the facilities; (2) combines exposures from multiple sources in the same category that could affect the same individuals; and (3) for some persistent and bioaccumulative pollutants, analyzes the ingestion route of exposure. In addition, the RTR risk assessments consider aggregate cancer risk from all carcinogens and aggregated noncancer HQs for all noncarcinogens affecting the same target organ or target organ system.

Although we are interested in placing source category and facility-wide HAP risk in the context of total HAP risk from all sources combined in the vicinity of each source, we are concerned about the uncertainties of doing so. Estimates of total HAP risk from emission sources other than those that we have studied in depth during this RTR review would have significantly greater associated uncertainties than the source category or facility-wide estimates. Such aggregate or cumulative assessments would compound those uncertainties, making the assessments too unreliable.

B. How do we perform the technology review?

Our technology review focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. Where we identify such developments, we analyze their technical feasibility, estimated costs, energy implications, and non-air environmental impacts. We also consider the emission reductions associated with applying each development. This analysis informs our decision of whether it is ''necessary'' to revise the emissions standards. In addition, we consider the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, we consider any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original

[2] The MIR is defined as the cancer risk associated with a lifetime of exposure at the highest concentration of HAP where people are likely to live. The HQ is the ratio of the potential exposure to the HAP to the level at or below which no adverse chronic noncancer effects are expected; the HI is the sum of HQs for HAP that affect the same target organ or organ system.

[3] Recommendations of the SAB Risk and Technology Review (RTR) Panel are provided in their report, which is available at: *https://yosemite.epa.gov/sab/sabproduct.nsf/4AB3966E263D943A8525771F00668381/$File/EPA-SAB-10-007-unsigned.pdf.*

MACT standards) that could result in additional emissions reduction;

- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the practices, processes, and control technologies that were considered at the time we originally developed the NESHAP, we review a variety of data sources in our investigation of potential practices, processes, or controls to consider. See sections II.C and II.D of this preamble for information on the specific data sources that were reviewed as part of the technology review.

C. How do we estimate post-MACT risk posed by the source category?

In this section, we provide a complete description of the types of analyses that we generally perform during the risk assessment process. In some cases, we do not perform a specific analysis because it is not relevant. For example, in the absence of emissions of HAP known to be persistent and bioaccumulative in the environment (PB–HAP), we would not perform a multipathway exposure assessment. Where we do not perform an analysis, we state that we do not and provide the reason. While we present all of our risk assessment methods, we only present risk assessment results for the analyses actually conducted (see sections IV.B and IV.G).

The EPA conducts a risk assessment that provides estimates of the MIR for cancer posed by the HAP emissions from each source in the source category, the HI for chronic exposures to HAP with the potential to cause noncancer health effects, and the HQ for acute exposures to HAP with the potential to cause noncancer health effects. The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The seven sections that follow this paragraph describe how we estimated emissions and conducted the risk assessment. The docket for the Boat Manufacturing NESHAP rulemaking contains the following document which provides more information on the risk assessment inputs and models: *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule.* The docket for the Reinforced Plastic Composites Production NESHAP rulemaking contains the following document which provides more information on the risk assessment inputs and models: *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule.* The methods used to assess risk (as described in the seven primary steps below) are consistent with those described by the EPA in the document reviewed by a panel of the EPA's SAB in 2009; [4] and described in the SAB review report issued in 2010. They are also consistent with the key recommendations contained in that report.

1. How did we estimate actual emissions and identify the emissions release characteristics?

The actual emissions and the emission release characteristics for each facility in each of the two source categories were obtained from the 2014 NEI. In addition, the EPA provided draft actual emissions data and stack parameters to facilities in the two source categories for review and confirmation. In some cases, facilities were contacted to confirm emissions that appeared to be outliers, that were otherwise inconsistent with our understanding of the industry, or that were associated with high risk values in our initial risk screening analyses. Where appropriate, emission values and release characteristics were corrected, based on revised stack parameter information provided by the facilities. These revisions were documented and are included in the docket for each source category. Additional information on the development of the modeling file for each source category, including the development of the actual emissions and emissions release characteristics, can be found in Appendix 1 to the *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and Appendix 1 to the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, located in the docket for each source category (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP).

2. How did we estimate MACT-allowable emissions?

The available emissions data in the RTR emissions dataset include estimates of the mass of HAP emitted during a specified annual time period. These ''actual'' emission levels are often lower than the emission levels allowed under the requirements of the current MACT standards. The emissions allowed under the MACT standards are referred to as the ''MACT-allowable'' emissions. We discussed the consideration of both MACT-allowable and actual emissions in the final Coke Oven Batteries RTR (70 FR 19998–19999, April 15, 2005) and in the proposed and final Hazardous Organic NESHAP RTR (71 FR 34428, June 14, 2006, and 71 FR 76609, December 21, 2006, respectively). In those actions, we noted that assessing the risk at the MACT-allowable level is inherently reasonable since that risk reflects the maximum level facilities could emit and still comply with national emission standards. We also explained that it is reasonable to consider actual emissions, where such data are available, in both steps of the risk analysis, in accordance with the Benzene NESHAP approach. (54 FR 38044, September 14, 1989.)

The MACT for each of the two source categories includes HAP limits for materials (*i.e.,* resin and gel coats) used during open molding operations. A majority of the facilities in both source categories use compliant materials to demonstrate compliance. The EPA's actual emissions estimates were based on the category information reported in the 2014 NEI. Since the majority of facilities use compliant materials, it is reasonable to assume that the actual emissions and the allowable emissions are equal. This is because the allowable limits of the MACT represent the HAP content of the materials being used. Further, this compliance approach is referenced in, and, therefore, required by facility permits. However, to supplement this information, and to estimate a more conservative allowable emissions multiplier, the EPA gathered current and historical publicly available category-specific data from the U.S. Census Bureau over a 5-year period

[4] U.S. EPA. *Risk and Technology Review (RTR) Risk Assessment Methodologies: For Review by the EPA's Science Advisory Board with Case Studies—MACT I Petroleum Refining Sources and Portland Cement Manufacturing,* June 2009. EPA–452/R–09–006. *https://www3.epa.gov/airtoxics/rrisk/rtrpg.html.*

(2010 to 2014). Based an analysis of the source categories, and the utilization information indicated by the U.S. Census Bureau data for both source categories, the EPA calculated allowable emissions by developing a multiplier applied to the current actual emission rates. The multiplier is based on historical data and utilization rates for each category for the years 2010 to 2014. The multiplier developed for both source categories is the ratio of the peak utilization rate to the average utilization rate for the years 2005 to 2014. Details regarding the development of the allowable multiplier are presented in the memorandum, *Emissions Data for the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing and the National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production,* located in the docket for each source category (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP).

3. How do we conduct dispersion modeling, determine inhalation exposures, and estimate individual and population inhalation risk?

Both long-term and short-term inhalation exposure concentrations and health risk from the source category addressed in this proposal were estimated using the Human Exposure Model (HEM–3).[5] The HEM–3 performs three primary risk assessment activities: (1) Conducting dispersion modeling to estimate the concentrations of HAP in ambient air, (2) estimating long-term and short-term inhalation exposures to individuals residing within 50 kilometer (km) of the modeled sources, and (3) estimating individual and population-level inhalation risk using the exposure estimates and quantitative dose-response information.

a. Dispersion Modeling

The air dispersion model AERMOD, used by the HEM–3 model, is one of the EPA's preferred models for assessing air pollutant concentrations from industrial facilities.[6] To perform the dispersion modeling and to develop the preliminary risk estimates, HEM–3 draws on three data libraries. The first is a library of meteorological data, which is used for dispersion calculations. This library includes 1 year (2016) of hourly surface and upper air observations from 824 meteorological stations selected to provide coverage of the United States and Puerto Rico. A second library of United States Census Bureau census block[7] internal point locations and populations provides the basis of human exposure calculations (U.S. Census, 2010). In addition, for each census block, the census library includes the elevation and controlling hill height, which are also used in dispersion calculations. A third library of pollutant-specific dose-response values is used to estimate health risk. These are discussed below.

b. Risk From Chronic Exposure to HAP

In developing the risk assessment for chronic exposures, we use the estimated annual average ambient air concentrations of each HAP emitted by each source in the source category. The HAP air concentrations at each nearby census block centroid located within 50 km of the facility are a surrogate for the chronic inhalation exposure concentration for all the people who reside in that census block. A distance of 50 km is consistent with both the analysis supporting the 1989 Benzene NESHAP (54 FR 38044, September 14, 1989) and the limitations of Gaussian dispersion models, including AERMOD.

For each facility, we calculate the MIR as the cancer risk associated with a continuous lifetime (24 hours per day, 7 days per week, 52 weeks per year, 70 years) exposure to the maximum concentration at the centroid of each inhabited census block. We calculate individual cancer risk by multiplying the estimated lifetime exposure to the ambient concentration of each HAP (in micrograms per cubic meter ($\mu g/m^3$)) by its unit risk estimate (URE). The URE is an upper-bound estimate of an individual's incremental risk of contracting cancer over a lifetime of exposure to a concentration of 1 microgram of the pollutant per cubic meter of air. For residual risk assessments, we generally use UREs from the EPA's Integrated Risk Information System (IRIS). For carcinogenic pollutants without IRIS values, we look to other reputable sources of cancer dose-response values, often using California EPA (CalEPA) UREs, where available. In cases where new, scientifically credible dose-response values have been developed in a manner consistent with EPA guidelines and have undergone a peer review process similar to that used by the EPA, we may use such dose-response values in place of, or in addition to, other values, if appropriate. The pollutant-specific dose-response values used to estimate health risk are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

In March 2018, the International Agency for Research on Cancer (IARC) revised the weight of evidence classification of styrene to Group 2A—''probably carcinogenic to humans.'' Presently, the EPA's IRIS database and other reputable peer-reviewed sources of cancer dose-response values are not available to assess cancer risks for this pollutant.[8]

To estimate individual lifetime cancer risks associated with exposure to HAP emissions from each facility in the source category, we sum the risks for each of the carcinogenic HAP[9] emitted by the modeled facility. We estimate cancer risk at every census block within 50 km of every facility in the source category. The MIR is the highest individual lifetime cancer risk estimated for any of those census blocks. In addition to calculating the MIR, we estimate the distribution of individual cancer risks for the source category by summing the number of individuals within 50 km of the sources whose estimated risk falls within a specified risk range. We also estimate annual cancer incidence by multiplying the estimated lifetime cancer risk at each census block by the number of people residing in that block, summing results

[5] For more information about HEM–3, go to *https://www.epa.gov/fera/risk-assessment-and-modeling-human-exposure-model-hem.*

[6] U.S. EPA. Revision to the *Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions* (70 FR 68218, November 9, 2005).

[7] A census block is the smallest geographic area for which census statistics are tabulated.

[8] *https://monographs.iarc.fr/list-of-classifications-volumes/.*

[9] The EPA's 2005 *Guidelines for Carcinogen Risk Assessment* classifies carcinogens as: ''carcinogenic to humans,'' ''likely to be carcinogenic to humans,'' and ''suggestive evidence of carcinogenic potential.'' These classifications also coincide with the terms ''known carcinogen, probable carcinogen, and possible carcinogen,'' respectively, which are the terms advocated in the EPA's *Guidelines for Carcinogen Risk Assessment,* published in 1986 (51 FR 33992, September 24, 1986). In August 2000, the document, *Supplemental Guidance for Conducting Health Risk Assessment of Chemical Mixtures* (EPA/630/R–00/002), was published as a supplement to the 1986 document. Copies of both documents can be obtained from *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533&CFID=70315376&CFTOKEN=71597944.* Summing the risk of these individual compounds to obtain the cumulative cancer risk is an approach that was recommended by the EPA's SAB in their 2002 peer review of the EPA's National Air Toxics Assessment (NATA) titled *NATA—Evaluating the National-scale Air Toxics Assessment 1996 Data—an SAB Advisory,* available at *https://yosemite.epa.gov/sab/sabproduct.nsf/214C6E915BB04E14852570CA007A682C/$File/ecadv02001.pdf.*

for all of the census blocks, and then dividing this result by a 70-year lifetime.

To assess the risk of noncancer health effects from chronic exposure to HAP, we calculate either an HQ or a target organ-specific hazard index (TOSHI). We calculate an HQ when a single noncancer HAP is emitted. Where more than one noncancer HAP is emitted, we sum the HQ for each of the HAP that affects a common target organ or target organ system to obtain a TOSHI. The HQ is the estimated exposure divided by the chronic noncancer dose-response value, which is a value selected from one of several sources. The preferred chronic noncancer dose-response value is the EPA RfC, defined as ''an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime'' (*https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&vocabName=IRIS%20Glossary*). In cases where an RfC from the EPA's IRIS is not available or where the EPA determines that using a value other than the RfC is appropriate, the chronic noncancer dose-response value can be a value from the following prioritized sources, which define their dose-response values similarly to the EPA: (1) The Agency for Toxic Substances and Disease Registry (ATSDR) Minimum Risk Level (*https://www.atsdr.cdc.gov/mrls/index.asp*); (2) the CalEPA Chronic Reference Exposure Level (REL) (*https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0*); or (3), as noted above, a scientifically credible dose-response value that has been developed in a manner consistent with the EPA guidelines and has undergone a peer review process similar to that used by the EPA. The pollutant-specific dose-response values used to estimate health risks are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

c. Risk From Acute Exposure to HAP That May Cause Health Effects Other Than Cancer

For each HAP for which appropriate acute inhalation dose-response values are available, the EPA also assesses the potential health risks due to acute exposure. For these assessments, the EPA makes conservative assumptions about emission rates, meteorology, and exposure location. We use the peak hourly emission rate,[10] worst-case dispersion conditions, and, in accordance with our mandate under section 112 of the CAA, the point of highest off-site exposure to assess the potential risk to the maximally exposed individual.

To characterize the potential health risks associated with estimated acute inhalation exposures to a HAP, we generally use multiple acute dose-response values, including acute RELs, acute exposure guideline levels (AEGLs), and emergency response planning guidelines (ERPG) for 1-hour exposure durations), if available, to calculate acute HQs. The acute HQ is calculated by dividing the estimated acute exposure by the acute dose-response value. For each HAP for which acute dose-response values are available, the EPA calculates acute HQs.

An acute REL is defined as ''the concentration level at or below which no adverse health effects are anticipated for a specified exposure duration.'' [11] Acute RELs are based on the most sensitive, relevant, adverse health effect reported in the peer-reviewed medical and toxicological literature. They are designed to protect the most sensitive individuals in the population through the inclusion of margins of safety. Because margins of safety are incorporated to address data gaps and uncertainties, exceeding the REL does not automatically indicate an adverse health impact. AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposures ranging from 10 minutes to 8 hours.[12] They are guideline levels for ''once-in-a-lifetime, short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.'' *Id.* at 21. The AEGL–1 is specifically defined as ''the airborne concentration (expressed as parts per million (ppm) or milligrams per cubic meter (mg/m^3)) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic nonsensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.'' The document also notes that ''Airborne concentrations below AEGL–1 represent exposure levels that can produce mild and progressively increasing but transient and nondisabling odor, taste, and sensory irritation or certain asymptomatic, nonsensory effects.'' *Id.* AEGL–2 are defined as ''the airborne concentration (expressed as parts per million or milligrams per cubic meter) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects or an impaired ability to escape.'' *Id.*

ERPGs are ''developed for emergency planning and are intended as health-based guideline concentrations for single exposures to chemicals.'' [13] *Id.* at 1. The ERPG–1 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without experiencing other than mild transient adverse health effects or without perceiving a clearly defined, objectionable odor.'' *Id.* at 2. Similarly, the ERPG–2 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action.'' *Id.* at 1.

An acute REL for 1-hour exposure durations is typically lower than its corresponding AEGL–1 and ERPG–1. Even though their definitions are

[10] In the absence of hourly emission data, we develop estimates of maximum hourly emission rates by multiplying the average actual annual emissions rates by a factor to account for variability. This is documented in *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule,* and in Appendix 5 of the report: *Analysis of Data on Short-term Emission Rates Relative to Long-term Emission Rates.* Both are available in the docket for this rulemaking.

[11] CalEPA issues acute RELs as part of its Air Toxics Hot Spots Program, and the 1-hour and 8-hour values are documented in *Air Toxics Hot Spots Program Risk Assessment Guidelines, Part I, The Determination of Acute Reference Exposure Levels for Airborne Toxicants,* which is available at *https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.*

[12] National Academy of Sciences, 2001. *Standing Operating Procedures for Developing Acute Exposure Levels for Hazardous Chemicals,* page 2. Available at *https://www.epa.gov/sites/production/files/2015-09/documents/sop_final_standing_operating_procedures_2001.pdf.* Note that the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances ended in October 2011, but the AEGL program continues to operate at the EPA and works with the National Academies to publish final AEGLs (*https://www.epa.gov/aegl*).

[13] *ERPGS Procedures and Responsibilities.* March 2014. American Industrial Hygiene Association. Available at: *https://www.aiha.org/get-involved/AIHAGuidelineFoundation/EmergencyResponsePlanningGuidelines/Documents/ERPG%20Committee%20Standard%20Operating%20Procedures%20%20-%20March%202014%20Revision%20%28Updated%2010-2-2014%29.pdf.*

slightly different, AEGL–1s are often the same as the corresponding ERPG–1s, and AEGL–2s are often equal to ERPG–2s. The maximum HQs from our acute inhalation screening risk assessment typically result when we use the acute REL for a HAP. In cases where the maximum acute HQ exceeds 1, we also report the HQ based on the next highest acute dose-response value (usually the AEGL–1 and/or the ERPG–1).

For the Boat Manufacturing and Reinforced Plastic Composites Production source categories, the hourly emission rates of the various HAP will not have high variability during the manufacturing processes and, therefore, are expected to remain constant over the time the process is operating. This is because the application of resins and gel coats, adhesives, foam, and other regulated sources of HAP in the source categories are most efficient when applied at a constant pressure, with maximum coverage, with the most efficient spray patterns and number of passes made by the operator. Based on this information, the default acute emission factor of 10 times the annual hourly emission rate is not reasonable for the Boat Manufacturing and Reinforced Plastic Composites Production source categories. However, many facilities do not operate three shifts a day. Therefore, a days worth of emissions may occur over a time period of as little as 8 hours. With this understanding of the processes, we, therefore, assumed the maximum rate of emissions would occur in this 8-hour period each day. Based on this information, an acute emission factor of 3 was calculated to be applied to actual annual hourly emission rates, derived from the ratio of an 8-hour shift in a 24-hour day. A further discussion of why this factor was chosen can be found in the memorandum, *Emissions Data for the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing and the National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production,* available in the dockets for this rulemaking (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and Docket ID No. EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP).

In our acute inhalation screening risk assessment, acute impacts are deemed negligible for HAP for which acute HQs are less than or equal to 1 (even under the conservative assumptions of the screening assessment), and no further analysis is performed for these HAP. In cases where an acute HQ from the screening step is greater than 1, we consider additional site-specific data to develop a more refined estimate of the potential for acute exposures of concern. These refinements are discussed more fully in the *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, which are available in the docket for each of the respective source categories.

4. How do we conduct the multipathway exposure and risk screening assessment?

The EPA conducts a tiered screening assessment examining the potential for significant human health risks due to exposures via routes other than inhalation (*i.e.,* ingestion). We first determine whether any sources in the source categories emit any HAP known to be PB–HAP, as identified in the EPA's Air Toxics Risk Assessment Library (See Volume 1, Appendix D, at *https://www2.epa.gov/fera/risk-assessment-and-modeling-air-toxics-risk-assessment-reference-library*).

For the Boat Manufacturing source category, we identified PB–HAP emissions of arsenic, polycyclic organic matter (POM), and cadmium, and for the Reinforced Plastic Composites Production source category, we identified PB–HAP emissions of arsenic, POM, cadmium, and mercury, so we proceeded to the next step of the evaluation. In this step, we determine whether the facility-specific emission rates of the emitted PB–HAP are large enough to create the potential for significant human health risk through ingestion exposure under reasonable worst-case conditions. To facilitate this step, we use previously developed screening threshold emission rates for several PB–HAP that are based on a hypothetical upper-end screening exposure scenario developed for use in conjunction with the EPA's Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure (TRIM.FaTE) model. The PB–HAP with screening threshold emission rates are arsenic compounds, cadmium compounds, chlorinated dibenzodioxins and furans, mercury compounds, and POM. Based on the EPA estimates of toxicity and bioaccumulation potential, the pollutants above represent a conservative list for inclusion in multipathway risk assessments for RTR rules. (See Volume 1, Appendix D at *https://www.epa.gov/sites/production/files/201308/documents/volume_1_reflibrary.pdf*). In the assessments for the Boat Manufacturing source category, and for the Reinforced Plastic Composites Production source category, we compare the facility-specific emission rates of these PB–HAP to the screening threshold emission rates for each PB–HAP to assess the potential for significant human health risks via the ingestion pathway. We call this application of the TRIM.FaTE model the Tier 1 screening assessment. The ratio of a facility's actual emission rate to the Tier 1 screening threshold emission rate is a ''screening value.''

We derive the Tier 1 screening threshold emission rates for these PB–HAP (other than lead compounds) to correspond to a maximum excess lifetime cancer risk of 1-in-1 million (*i.e.,* for arsenic compounds, polychlorinated dibenzodioxins and furans and POM) or, for HAP that cause noncancer health effects (*i.e.,* cadmium compounds and mercury compounds), a maximum HQ of 1. If the emission rate of any one PB–HAP or combination of carcinogenic PB–HAP in the Tier 1 screening assessment exceeds the Tier 1 screening threshold emission rate for any facility (*i.e.,* the screening value is greater than 1), we conduct a second screening assessment, which we call the Tier 2 screening assessment.

In the Tier 2 screening assessment, the location of each facility that exceeds a Tier 1 screening threshold emission rate is used to refine the assumptions associated with the Tier 1 fisher and farmer exposure scenarios at that facility. A key assumption in the Tier 1 screening assessment is that a lake and/or farm is located near the facility. As part of the Tier 2 screening assessment, we use a United States Geological Survey (USGS) database to identify actual waterbodies within 50 km of each facility. We also examine the differences between local meteorology near the facility and the meteorology used in the Tier 1 screening assessment. We then adjust the previously-developed Tier 1 screening threshold emission rates for each PB–HAP for each facility based on an understanding of how exposure concentrations estimated for the screening scenario change with the use of local meteorology and USGS waterbody data. If the PB–HAP emission rates for a facility exceed the Tier 2 screening threshold emission rates and data are available, we may conduct a Tier 3 screening assessment. If PB–HAP emission rates do not exceed a Tier 2 screening value of 1, we consider those PB–HAP emissions to pose risks below a level of concern.

There are several analyses that can be included in a Tier 3 screening assessment, depending upon the extent of refinement warranted, including validating that the lakes are fishable, considering plume-rise to estimate emissions lost above the mixing layer, and considering hourly effects of meteorology and plume rise on chemical fate and transport. If the Tier 3 screening assessment indicates that risks above levels of concern cannot be ruled out, the EPA may further refine the screening assessment through a site-specific assessment.

In evaluating the potential multipathway risk from emissions of lead compounds reported by both source categories, rather than developing a screening threshold emission rate, we compare maximum estimated chronic inhalation exposure concentrations to the level of the current National Ambient Air Quality Standard (NAAQS) for lead.[14] Values below the level of the primary (health-based) lead NAAQS are considered to have a low potential for multipathway risk.

For further information on the multipathway assessment approach, see the *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, which are available in the respective dockets for the source categories in this action.

5. How do we conduct the environmental risk screening assessment?

a. Adverse Environmental Effect, Environmental HAP, and Ecological Benchmarks

The EPA conducts a screening assessment to examine the potential for an adverse environmental effect as required under section 112(f)(2)(A) of the CAA. Section 112(a)(7) of the CAA defines ''adverse environmental effect'' as ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.''

The EPA focuses on eight HAP, which are referred to as ''environmental HAP,'' in its screening assessment: Six PB–HAP and two acid gases. The PB–HAP included in the screening assessment are arsenic compounds, cadmium compounds, dioxins/furans, POM, mercury (both inorganic mercury and methyl mercury), and lead compounds. The acid gases included in the screening assessment are hydrochloric acid (HCl) and hydrogen fluoride (HF).

HAP that persist and bioaccumulate are of particular environmental concern because they accumulate in the soil, sediment, and water. The acid gases, HCl and HF, are included due to their well-documented potential to cause direct damage to terrestrial plants. In the environmental risk screening assessment, we evaluate the following four exposure media: Terrestrial soils, surface water bodies (includes water-column and benthic sediments), fish consumed by wildlife, and air. Within these four exposure media, we evaluate nine ecological assessment endpoints, which are defined by the ecological entity and its attributes. For PB–HAP (other than lead), both community-level and population-level endpoints are included. For acid gases, the ecological assessment evaluated is terrestrial plant communities.

An ecological benchmark represents a concentration of HAP that has been linked to a particular environmental effect level. For each environmental HAP, we identified the available ecological benchmarks for each assessment endpoint. We identified, where possible, ecological benchmarks at the following effect levels: Probable effect levels, lowest-observed-adverse-effect level, and no-observed-adverse-effect level. In cases where multiple effect levels were available for a particular PB–HAP and assessment endpoint, we use all of the available effect levels to help us to determine whether ecological risks exist and, if so, whether the risks could be considered significant and widespread.

For further information on how the environmental risk screening assessment was conducted, including a discussion of the risk metrics used, how the environmental HAP were identified, and how the ecological benchmarks were selected, see Appendix 9 of the *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, which are available in the docket for the source categories in this action.

b. Environmental Risk Screening Methodology

For the environmental risk screening assessment, the EPA first determined whether any facilities in the Boat Manufacturing or Reinforced Plastic Composites Production source categories emitted any of the environmental HAP. For the Boat Manufacturing source category, we identified emissions of arsenic, POM, cadmium, and HCl. For the Reinforced Plastic Composites Production source category, we identified emissions of arsenic, POM, cadmium, mercury, and HCl. Because one or more of the environmental HAP evaluated above are emitted by at least one facility in the source categories, we proceeded to the second step of the evaluation.

c. PB–HAP Methodology

The environmental screening assessment includes six PB–HAP, arsenic compounds, cadmium compounds, dioxins/furans, POM, mercury (both inorganic mercury and methyl mercury), and lead compounds. With the exception of lead, the environmental risk screening assessment for PB–HAP consists of three tiers. The first tier of the environmental risk screening assessment uses the same health-protective conceptual model that is used for the Tier 1 human health screening assessment. TRIM.FaTE model simulations were used to back-calculate Tier 1 screening threshold emission rates. The screening threshold emission rates represent the emission rate in tpy that results in media concentrations at the facility that equal the relevant ecological benchmark. To assess emissions from each facility in the category, the reported emission rate for each PB–HAP was compared to the Tier 1 screening threshold emission rate for that PB–HAP for each assessment endpoint and effect level. If emissions from a facility do not exceed the Tier 1 screening threshold emission rate, the facility ''passes'' the screening assessment, and, therefore, is not evaluated further under the screening

[14] In doing so, the EPA notes that the legal standard for a primary NAAQS—that a standard is requisite to protect public health and provide an adequate margin of safety (CAA section 109(b))—differs from the CAA section 112(f) standard (requiring, among other things, that the standard provide an ''ample margin of safety to protect public health''). However, the primary lead NAAQS is a reasonable measure of determining risk acceptability (*i.e.,* the first step of the Benzene NESHAP analysis) since it is designed to protect the most susceptible group in the human population—children, including children living near major lead emitting sources. 73 FR 67002/3; 73 FR 67000/3; 73 FR 67005/1. In addition, applying the level of the primary lead NAAQS at the risk acceptability step is conservative, since that primary lead NAAQS reflects an adequate margin of safety.

approach. If emissions from a facility exceed the Tier 1 screening threshold emission rate, we evaluate the facility further in Tier 2.

In Tier 2 of the environmental screening assessment, the screening threshold emission rates are adjusted to account for local meteorology and the actual location of lakes in the vicinity of facilities that did not pass the Tier 1 screening assessment. For soils, we evaluate the average soil concentration for all soil parcels within a 7.5-km radius for each facility and PB–HAP. For the water, sediment, and fish tissue concentrations, the highest value for each facility for each pollutant is used. If emission concentrations from a facility do not exceed the Tier 2 screening threshold emission rate, the facility ''passes'' the screening assessment and typically is not evaluated further. If emissions from a facility exceed the Tier 2 screening threshold emission rate, we evaluate the facility further in Tier 3.

As in the multipathway human health risk assessment, in Tier 3 of the environmental screening assessment, we examine the suitability of the lakes around the facilities to support life and remove those that are not suitable (*e.g.,* lakes that have been filled in or are industrial ponds), adjust emissions for plume-rise, and conduct hour-by-hour time-series assessments. If these Tier 3 adjustments to the screening threshold emission rates still indicate the potential for an adverse environmental effect (*i.e.,* facility emission rate exceeds the screening threshold emission rate), we may elect to conduct a more refined assessment using more site-specific information. If, after additional refinement, the facility emission rate still exceeds the screening threshold emission rate, the facility may have the potential to cause an adverse environmental effect.

To evaluate the potential for an adverse environmental effect from lead, we compared the average modeled air concentrations (from HEM–3) of lead around each facility in the source category to the level of the secondary NAAQS for lead. The secondary lead NAAQS is a reasonable means of evaluating environmental risk because it is set to provide substantial protection against adverse welfare effects which can include ''effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being.''

d. Acid Gas Environmental Risk Methodology

The environmental screening assessment for acid gases evaluates the potential phytotoxicity and reduced productivity of plants due to chronic exposure to HF and HCl. The environmental risk screening methodology for acid gases is a single-tier screening assessment that compares modeled ambient air concentrations (from AERMOD) to the ecological benchmarks for each acid gas. To identify a potential adverse environmental effect (as defined in section 112(a)(7) of the CAA) from emissions of HF and HCl, we evaluate the following metrics: The size of the modeled area around each facility that exceeds the ecological benchmark for each acid gas, in acres and km^2; the percentage of the modeled area around each facility that exceeds the ecological benchmark for each acid gas; and the area-weighted average screening value around each facility (calculated by dividing the area-weighted average concentration over the 50-km modeling domain by the ecological benchmark for each acid gas). For further information on the environmental screening assessment approach, see Appendix 9 of the *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, which are available in the docket for the source categories in this action.

6. How do we conduct facility-wide assessments?

To put the source category risks in context, we typically examine the risks from the entire ''facility,'' where the facility includes all HAP-emitting operations within a contiguous area and under common control. In other words, we examine the HAP emissions not only from the source category emission points of interest, but also emissions of HAP from all other emission sources at the facility for which we have data. For the source categories in this action, we conducted the facility-wide assessment using datasets compiled from the 2014 NEI. The source category records of that NEI dataset were removed, evaluated, and updated as described in section II.C of this preamble: What data collection activities were conducted to support this action? Once a quality assured source category dataset was available, it was placed back with the remaining records from the NEI for that facility. The facility-wide file was then used to analyze risks due to the inhalation of HAP that are emitted ''facility-wide'' for the populations residing within 50 km of each facility, consistent with the methods used for the source category analysis described above. For these facility-wide risk analyses, the modeled source category risks were compared to the facility-wide risks to determine the portion of the facility-wide risks that could be attributed to the source category addressed in this proposal. We also specifically examined the facility that was associated with the highest estimate of risk and determined the percentage of that risk attributable to the source category of interest. The *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, available through the docket for the source categories in this action, provides the methodology and results of the facility-wide analyses, including all facility-wide risks and the percentage of source category contribution to facility-wide risks.

7. How do we consider uncertainties in risk assessment?

Uncertainty and the potential for bias are inherent in all risk assessments, including those performed for this proposal. Although uncertainty exists, we believe that our approach, which used conservative tools and assumptions, ensures that our decisions are health and environmentally protective. A brief discussion of the uncertainties in the RTR emissions datasets, dispersion modeling, inhalation exposure estimates, and dose-response relationships follows below. Also included are those uncertainties specific to our acute screening assessments, multipathway screening assessments, and our environmental risk screening assessments. A more thorough discussion of these uncertainties is included in the *Residual Risk Assessment for Boat Manufacturing Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document and the *Residual Risk Assessment for Reinforced Plastic Composites Production Source Category in Support of the 2018 Risk and Technology Review Proposed Rule* document, which are available in the source category dockets for this action.

a. Uncertainties in the RTR Emissions Dataset

Although the development of the RTR emissions datasets involved quality assurance/quality control processes, the accuracy of emissions values will vary depending on the source of the data, the degree to which data are incomplete or missing, the degree to which assumptions made to complete the datasets are accurate, errors in emission estimates, and other factors. The emission estimates considered in the analysis for each source category generally are annual totals for 2014, and they do not reflect short-term fluctuations during the course of a year or variations from year to year. The estimates of peak hourly emission rates for the acute effects screening assessment were based on an emission adjustment factor applied to the average annual hourly emission rates, which are intended to account for emission fluctuations due to normal facility operations.

b. Uncertainties in Dispersion Modeling

We recognize there is uncertainty in ambient concentration estimates associated with any model, including the EPA's recommended regulatory dispersion model, AERMOD. In using a model to estimate ambient pollutant concentrations, the user chooses certain options to apply. For RTR assessments, we select some model options that have the potential to overestimate ambient air concentrations (*e.g.,* not including plume depletion or pollutant transformation). We select other model options that have the potential to underestimate ambient impacts (*e.g.,* not including building downwash). Other options that we select have the potential to either under- or overestimate ambient levels (*e.g.,* meteorology and receptor locations). On balance, considering the directional nature of the uncertainties commonly present in ambient concentrations estimated by dispersion models, the approach we apply in the RTR assessments should yield unbiased estimates of ambient HAP concentrations. We also note that the selection of meteorology dataset location could have an impact on the risk estimates. As we continue to update and expand our library of meteorological station data used in our risk assessments, we expect to reduce this variability.

c. Uncertainties in Inhalation Exposure Assessment

Although every effort is made to identify all of the relevant facilities and emission points, as well as to develop accurate estimates of the annual emission rates for all relevant HAP, the uncertainties in our emission inventory likely dominate the uncertainties in the exposure assessment. Some uncertainties in our exposure assessment include human mobility, using the centroid of each census block, assuming lifetime exposure, and assuming only outdoor exposures. For most of these factors, there is neither an under nor overestimate when looking at the maximum individual risk or the incidence, but the shape of the distribution of risks may be affected. With respect to outdoor exposures, actual exposures may not be as high if people spend time indoors, especially for very reactive pollutants or larger particles. For all factors, we reduce uncertainty when possible. For example, with respect to census-block centroids, we analyze large blocks using aerial imagery and adjust locations of the block centroids to better represent the population in the blocks. We also add additional receptor locations where the population of a block is not well represented by a single location.

d. Uncertainties in Dose-Response Relationships

There are uncertainties inherent in the development of the dose-response values used in our risk assessments for cancer effects from chronic exposures and noncancer effects from both chronic and acute exposures. Some uncertainties are generally expressed quantitatively, and others are generally expressed in qualitative terms. We note, as a preface to this discussion, a point on dose-response uncertainty that is stated in the EPA's *2005 Guidelines for Carcinogen Risk Assessment;* namely, that ''the primary goal of EPA actions is protection of human health; accordingly, as an Agency policy, risk assessment procedures, including default options that are used in the absence of scientific data to the contrary, should be health protective'' (the EPA's *2005 Guidelines for Carcinogen Risk Assessment,* page 1–7). This is the approach followed here as summarized in the next paragraphs.

Cancer UREs used in our risk assessments are those that have been developed to generally provide an upper bound estimate of risk.[15] That is, they represent a ''plausible upper limit to the true value of a quantity'' (although this is usually not a true statistical confidence limit). In some circumstances, the true risk could be as low as zero; however, in other circumstances the risk could be greater.[16] Chronic noncancer RfC and reference dose values represent chronic exposure levels that are intended to be health-protective levels. To derive dose-response values that are intended to be ''without appreciable risk,'' the methodology relies upon an uncertainty factor (UF) approach,[17] which considers uncertainty, variability, and gaps in the available data. The UFs are applied to derive dose-response values that are intended to protect against appreciable risk of deleterious effects.

Many of the UFs used to account for variability and uncertainty in the development of acute dose-response values are quite similar to those developed for chronic durations. Additional adjustments are often applied to account for uncertainty in extrapolation from observations at one exposure duration (*e.g.,* 4 hours) to derive an acute dose-response value at another exposure duration (*e.g.,* 1 hour). Not all acute dose-response values are developed for the same purpose, and care must be taken when interpreting the results of an acute assessment of human health effects relative to the dose-response value or values being exceeded. Where relevant to the estimated exposures, the lack of acute dose-response values at different levels of severity should be factored into the risk characterization as potential uncertainties.

Uncertainty also exists in the selection of ecological benchmarks for the environmental risk screening assessment. We established a hierarchy of preferred benchmark sources to allow selection of benchmarks for each environmental HAP at each ecological assessment endpoint. We searched for benchmarks for three effect levels (*i.e.,* no-effects level, threshold-effect level, and probable effect level), but not all combinations of ecological assessment/environmental HAP had benchmarks for all three effect levels. Where multiple effect levels were available for a particular HAP and assessment endpoint, we used all of the available effect levels to help us determine whether risk exists and whether the risk

[15] IRIS glossary (*https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=IRIS%20Glossary*).

[16] An exception to this is the URE for benzene, which is considered to cover a range of values, each end of which is considered to be equally plausible, and which is based on maximum likelihood estimates.

[17] See *A Review of the Reference Dose and Reference Concentration Processes,* U.S. EPA, December 2002, and *Methods for Derivation of Inhalation Reference Concentrations and Application of Inhalation Dosimetry,* U.S. EPA, 1994.

could be considered significant and widespread.

Although we make every effort to identify appropriate human health effect dose-response values for all pollutants emitted by the sources in this risk assessment, some HAP emitted by these source categories are lacking dose-response assessments. Accordingly, these pollutants cannot be included in the quantitative risk assessment, which could result in quantitative estimates understating HAP risk. To help to alleviate this potential underestimate, where we conclude similarity with a HAP for which a dose-response value is available, we use that value as a surrogate for the assessment of the HAP for which no value is available. To the extent use of surrogates indicates appreciable risk, we may identify a need to increase priority for an IRIS assessment for that substance. We additionally note that, generally speaking, HAP of greatest concern due to environmental exposures and hazard are those for which dose-response assessments have been performed, reducing the likelihood of understating risk. Further, HAP not included in the quantitative assessment are assessed qualitatively and considered in the risk characterization that informs the risk management decisions, including consideration of HAP reductions achieved by various control options.

For a group of compounds that are unspeciated (*e.g.,* glycol ethers), we conservatively use the most protective dose-response value of an individual compound in that group to estimate risk. Similarly, for an individual compound in a group (*e.g.,* ethylene glycol diethyl ether) that does not have a specified dose-response value, we also apply the most protective dose-response value from the other compounds in the group to estimate risk.

e. Uncertainties in Acute Inhalation Screening Assessments

In addition to the uncertainties highlighted above, there are several factors specific to the acute exposure assessment that the EPA conducts as part of the risk review under section 112 of the CAA. The accuracy of an acute inhalation exposure assessment depends on the simultaneous occurrence of independent factors that may vary greatly, such as hourly emissions rates, meteorology, and the presence of humans at the location of the maximum concentration. In the acute screening assessment that we conduct under the RTR program, we assume that peak emissions from the source category and worst-case meteorological conditions co-occur, thus, resulting in maximum ambient concentrations. These two events are unlikely to occur at the same time, making these assumptions conservative. We then include the additional assumption that a person is located at this point during this same time period. For this source category, these assumptions would tend to be worst-case actual exposures, as it is unlikely that a person would be located at the point of maximum exposure during the time when peak emissions and worst-case meteorological conditions occur simultaneously.

f. Uncertainties in the Multipathway and Environmental Risk Screening Assessments

For each source category, we generally rely on site-specific levels of PB–HAP or environmental HAP emissions to determine whether a refined assessment of the impacts from multipathway exposures is necessary or whether it is necessary to perform an environmental screening assessment. This determination is based on the results of a three-tiered screening assessment that relies on the outputs from models—TRIM.FaTE and AERMOD—that estimate environmental pollutant concentrations and human exposures for five PB–HAP (dioxins, POM, mercury, cadmium, and arsenic) and two acid gases (HF and HCl). For lead, we use AERMOD to determine ambient air concentrations, which are then compared to the secondary NAAQS standard for lead. Two important types of uncertainty associated with the use of these models in RTR risk assessments and inherent to any assessment that relies on environmental modeling are model uncertainty and input uncertainty.[18]

Model uncertainty concerns whether the model adequately represents the actual processes (*e.g.,* movement and accumulation) that might occur in the environment. For example, does the model adequately describe the movement of a pollutant through the soil? This type of uncertainty is difficult to quantify. However, based on feedback received from previous EPA SAB reviews and other reviews, we are confident that the models used in the screening assessments are appropriate and state-of-the-art for the multipathway and environmental screening risk assessments conducted in support of RTR.

Input uncertainty is concerned with how accurately the models have been configured and parameterized for the assessment at hand. For Tier 1 of the multipathway and environmental screening assessments, we configured the models to avoid underestimating exposure and risk. This was accomplished by selecting upper-end values from nationally representative datasets for the more influential parameters in the environmental model, including selection and spatial configuration of the area of interest, lake location and size, meteorology, surface water, soil characteristics, and structure of the aquatic food web. We also assume an ingestion exposure scenario and values for human exposure factors that represent reasonable maximum exposures.

In Tier 2 of the multipathway and environmental screening assessments, we refine the model inputs to account for meteorological patterns in the vicinity of the facility versus using upper-end national values, and we identify the actual location of lakes near the facility rather than the default lake location that we apply in Tier 1. By refining the screening approach in Tier 2 to account for local geographical and meteorological data, we decrease the likelihood that concentrations in environmental media are overestimated, thereby increasing the usefulness of the screening assessment. In Tier 3 of the screening assessments, we refine the model inputs again to account for hour-by-hour plume rise and the height of the mixing layer. We can also use those hour-by-hour meteorological data in a TRIM.FaTE run using the screening configuration corresponding to the lake location. These refinements produce a more accurate estimate of chemical concentrations in the media of interest, thereby reducing the uncertainty with those estimates. The assumptions and the associated uncertainties regarding the selected ingestion exposure scenario are the same for all three tiers.

For the environmental screening assessment for acid gases, we employ a single-tiered approach. We use the modeled air concentrations and compare those with ecological benchmarks.

For all tiers of the multipathway and environmental screening assessments, our approach to addressing model input uncertainty is generally cautious. We choose model inputs from the upper end of the range of possible values for the influential parameters used in the models, and we assume that the exposed individual exhibits ingestion

[18] In the context of this discussion, the term ''uncertainty'' as it pertains to exposure and risk encompasses both *variability* in the range of expected inputs and screening results due to existing spatial, temporal, and other factors, as well as *uncertainty* in being able to accurately estimate the true result.

behavior that would lead to a high total exposure. This approach reduces the likelihood of not identifying high risks for adverse impacts.

Despite the uncertainties, when individual pollutants or facilities do not exceed screening threshold emission rates (*i.e.,* screen out), we are confident that the potential for adverse multipathway impacts on human health is very low. On the other hand, when individual pollutants or facilities do exceed screening threshold emission rates, it does not mean that impacts are significant, only that we cannot rule out that possibility and that a refined assessment for the site might be necessary to obtain a more accurate risk characterization for the source category.

The EPA evaluates the following HAP in the multipathway and/or environmental risk screening assessments, where applicable: Arsenic, cadmium, dioxins/furans, lead, mercury (both inorganic and methyl mercury), POM, HCl, and HF. These HAP represent pollutants that can cause adverse impacts either through direct exposure to HAP in the air or through exposure to HAP that are deposited from the air onto soils and surface waters and then through the environment into the food web. These HAP represent those HAP for which we can conduct a meaningful multipathway or environmental screening risk assessment. For other HAP not included in our screening assessments, the model has not been parameterized such that it can be used for that purpose. In some cases, depending on the HAP, we may not have appropriate multipathway models that allow us to predict the concentration of that pollutant. The EPA acknowledges that other HAP beyond these that we are evaluating may have the potential to cause adverse effects and, therefore, the EPA may evaluate other relevant HAP in the future, as modeling science and resources allow.

IV. Analytical Results and Proposed Decisions

A. What are the results of the risk assessment and analyses for the Boat Manufacturing source category?

1. Inhalation Risk Assessment Results

Table 2 of this preamble provides an overall summary of the inhalation risk results. The results of the chronic baseline inhalation cancer risk assessment indicate that, based on estimates of current actual and allowable emissions, the MIR posed by the Boat Manufacturing source category was estimated to be 0.2-in-1 million and 0.3-in-1 million, respectively, from HAP being emitted from the open molding (resin/gelcoat) manufacturing process. The total estimated cancer incidence from the Boat Manufacturing source category based on actual emission levels is 0.00001 excess cancer cases per year, or one case in every 100,000 years. The total estimated cancer incidence from boat manufacturing industry emission sources based on allowable emission levels is 0.00002 excess cancer cases per year, or one case in every 50,000 years. Emissions of nickel compounds, ethyl benzene, and tetrachloroethene contributed 95 percent to this cancer incidence. Based upon actual or allowable emissions, no people were exposed to cancer risks greater than or equal to 1-in-1 million.

TABLE 2—INHALATION RISK ASSESSMENT SUMMARY FOR BOAT MANUFACTURING SOURCE CATEGORY

	Cancer MIR (in-1 million)		Cancer incidence (cases per year)	Population with risk of 1-in-1 million or greater	Population with risk of 10-in-1 million or greater	Max chronic noncancer HI (actuals and allowables)
	Based on actual emissions	Based on allowable emissions				
Source category	0.2 (nickel compounds, ethyl benzene, tetrachloroethene).	0.3 (nickel compounds, ethyl benzene, tetrachloroethene).	0.00001	0	0	HI <1
Whole Facility	0.4 (naphthalene)	.....	0.00004	0	0	HI = 1

The maximum chronic noncancer TOSHI values for the source category, based on actual and allowable emissions, were estimated to be less than 1, with cobalt compounds driving the TOSHI value from open contact molding (resin spray layup and spray gel coat application) processes.

2. Acute Risk Results

Worst-case acute HQs were calculated for every HAP for which there is an acute health benchmark using actual emissions. The maximum acute noncancer HQ value for the source category was equal to 1 from styrene emissions (based on the acute (1-hr) REL for styrene). As noted above in section III.C.3.c, the highest HQ assumes that the primary source of the styrene emissions from open molding (resin/gelcoat) operations was modeled with an hourly emissions multiplier of 3 times the annual emissions rate. Acute HQs are not calculated for allowable or whole facility emissions.

3. Multipathway Risk Screening Results

Results of the worst-case Tier 1 screening analysis indicated one facility reporting PB–HAP emissions (based on estimates of actual emissions) for the source category, with no exceedences of the screening values for the carcinogenic PB–HAP (arsenic and POM compounds) or the noncarcinogenic PB–HAP (cadmium). The remaining PB–HAP, mercury and dioxins/furans, were not emitted by any facility in the source category.

In evaluating the potential for multipathway effects from emissions of lead, we compared modeled hourly lead concentrations to the secondary NAAQS for lead (0.15 $\mu g/m^3$). The highest hourly lead concentration, 0.054 $\mu g/m^3$, is below the NAAQS for lead, indicating a low potential for multipathway impacts of concern due to lead.

4. Environmental Risk Screening Results

As described in section III.A of this preamble, we conducted an environmental risk screening assessment for the Boat Manufacturing source category for the following five pollutants: Cadmium, arsenic, lead, POM, and HCl. For the three remaining pollutants (dioxin/furans, mercury, and HF) an environmental risk screening assessment was not performed because these pollutants are not emitted by the Boat Manufacturing source category.

In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), we did not find any exceedances of the ecological benchmarks evaluated. For lead, we did not find any exceedances of the secondary lead NAAQS. For HCl, the average modeled concentration around

each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individually modeled concentration of HCl (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities. Based on the results of the environmental risk screening analysis, we do not expect an adverse environmental effect as a result of PB–HAP emissions from this source category.

5. Facility-Wide Risk Results

Results of the assessment of facility-wide emissions indicate none of the 93 facilities have a facility-wide cancer risk greater than or equal to 1-in-1 million; refer to Table 2. The maximum facility-wide cancer risk is 0.4-in-1 million, mainly driven by naphthalene emissions from fiberglass resin product (atomized spray of gel coat) processes.

The total estimated cancer incidence from the whole facility is 0.00004 excess cancer cases per year, or one case in every 25,000 years, with no people estimated to have cancer risks greater than or equal to 1-in-1 million from exposure to whole facility emissions.

The maximum facility-wide chronic noncancer TOSHI is estimated to be equal to 1, mainly driven by emissions of styrene from open contact molding (resin spray layup and spray gel coat application) processes.

6. What demographic groups might benefit from this regulation?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Boat Manufacturing source category across different demographic groups within the populations living near facilities.[19]

Results of the demographic analysis indicate that, for 7 of the 11 demographic groups, Hispanic or Latino, minority, people living below the poverty level, linguistically isolated people, adults without a high school diploma, adults 65 years of age or older, and African Americans, the percentage of the population that resides within 5 km of facilities in the source category is greater than the corresponding national percentage for the same demographic groups. When examining the risk levels of those exposed to emissions from boat manufacturing facilities, we find that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer TOSHI greater than 1.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Boat Manufacturing Source Category Operations,* available in the docket for this action.

B. What are our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effect for the Boat Manufacturing source category?

1. Risk Acceptability

As noted in section II.A of this preamble, the EPA sets standards under CAA section 112(f)(2) using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of approximately 1-in-10 thousand'' (54 FR 38045, September 14, 1989).

For the Boat Manufacturing source category, the risk analysis indicates that the cancer risks to the individual most exposed could be up to 0.2-in-1 million due to actual emissions and up to 0.3-in-1 million based on allowable emissions. These risks are considerably less than 100-in-1 million, which is the presumptive upper limit of acceptable risk. The risk analysis also shows very low cancer incidence (0.00001 cases per year for actual emissions and 0.00002 cases per year for allowable emissions). We did not identify potential for adverse chronic noncancer health effects. The acute noncancer risks based on actual emissions are low at an HQ of 1 for styrene. Therefore, we find there is little potential concern of acute noncancer health impacts from actual emissions. In addition, the risk assessment indicates no significant potential for multipathway health effects.

Considering all of the health risk information and factors discussed above, including the uncertainties discussed in section III.C.7 of this preamble, we propose that the risks from the Boat Manufacturing source category are acceptable.

2. Ample Margin of Safety Analysis

Under the ample margin of safety analysis, we evaluated the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied in this source category to further reduce the risks (or potential risks) due to emissions of HAP, considering all of the health risks and other health information considered in the risk acceptability determination described above. In this analysis, we considered the results of the technology review, risk assessment, and other aspects of our MACT rule review to determine whether there are any cost-effective controls or other measures that would reduce emissions further and would be necessary to provide an ample margin of safety to protect public health.

Our risk analysis indicated the risks from the Boat Manufacturing source category are low for both cancer and noncancer health effects, and, therefore, any risk reductions from further available control options would result in minimal health benefits. As noted in section VI.A of this preamble, no additional control measures were identified for reducing HAP emissions from the Boat Manufacturing source category. Thus, we are proposing that the Boat Manufacturing NESHAP provides and ample margin of safety to protect health.

3. Adverse Environmental Effect

As described in section III.A, and in section IV.A.4 of this preamble, we conducted an environmental risk screening assessment for the Boat Manufacturing source category for the following five pollutants: Cadmium, arsenic, lead, POM, and HCl. For the three remaining pollutants (dioxin/furans, mercury, and HF), an environmental risk screening assessment was not performed because these pollutants are not emitted by the Boat Manufacturing source category.

In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), we did not find any exceedances of the ecological benchmarks evaluated. For lead, we did not find any exceedances of the secondary lead NAAQS. For HCl, the average modeled concentration around each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individually modeled

[19] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, people living two times the poverty level, and linguistically isolated people.

concentration of HCl (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities. Therefore, we do not expect adverse environmental effects as a result of HAP emissions from this source category and we are proposing that it is not necessary to set a more stringent standard to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

C. What are the results and proposed decisions based on our technology review for the Boat Manufacturing source category?

As described in section III.B of this preamble, our technology review focused on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. In conducting the technology review, we reviewed various informational sources regarding the emissions from the Boat Manufacturing source category. The review included a search of the RBLC database, reviews of air permits for boat manufacturing facilities, and a review of relevant literature. We reviewed these data sources for information on practices, processes, and control technologies that were not considered during the development of the Boat Manufacturing NESHAP. We also looked for information on improvements in practices, processes, and control technologies that have occurred since the development of the Boat Manufacturing NESHAP.

After reviewing information from the aforementioned sources, we did not identify any new developments in processes or control technologies used at boat manufacturing facilities. We also considered improvements in thermal oxidizers as HAP controls, given they were identified as potential add-on controls in the July 14, 2000, proposed rule (65 FR 43851). We did not identify any improvements in performance of thermal oxidizers, and we continue to believe that a thermal oxidizer is not a cost-effective add-on control option for this source category, due to the direct costs associated with high energy requirements for dilute HAP streams or the costs associated with operating a capture and control system (for concentrated HAP streams).

Based on the technology review, we have determined that there are no cost-effective developments in processes or control technologies that warrant revisions to the MACT standards for this source category. We identified and seek comment on a general practice utilized by many boat manufacturing facilities that has potential to reduce the amount of HAP emissions emitted in open molding resin and gel coat application operations. Specifically, we reviewed the practice that some facilities in the boat manufacturing industry have implemented which includes training their spray gun operators to deliver a controlled spray when applying resin and/or gel coat during open molding production. Industry representatives indicated that controlling the amount of overspray from resins and/or gel coat application during open molding operations could potentially reduce HAP emissions by 40 to 50 percent. From a practical standpoint, controlling overspray reduces the amount of resin or gel coat that is wasted and not applied to the product being manufactured; the EPA seeks comment to determine whether this practice is widely used by industry, whether significant HAP reductions are achieved industry-wide, or whether HAP reductions can be achieved in the manufacturing of large and small boats or large and small boat parts.

The EPA will review the information provided in public responses to determine whether the rule should be amended to include a controlled-spray training program as a work practice standard. Additional information of our technology review can be found in the memorandum, *Technology Review for Boat Manufacturing and Reinforced Plastic Composites Production Source Category,* which is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2016–0447).

D. What other actions are we proposing for the Boat Manufacturing source category?

In addition to the proposed actions described above, we are proposing additional revisions to the Boat Manufacturing NESHAP. We are proposing revisions to the SSM provisions of the rule in order to ensure that it is consistent with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also are proposing to revise the Boat Manufacturing NESHAP to include electronic reporting provisions. Our analyses and proposed changes related to these issues are discussed below.

1. SSM Requirements

a. Proposed Elimination of the SSM Exemption

In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We are proposing the elimination of SSM exemptions in this rule, including any reference to requirements included in 40 CFR part 63, part A (General Provisions). Consistent with *Sierra Club* v. *EPA,* we are proposing standards in this rule that apply at all times. We are also proposing several revisions to Table 8 to 40 CFR part 63, subpart VVVV, as is explained in more detail below. For example, we are proposing to eliminate the incorporation of the General Provisions' requirement that each source develop an SSM plan. We also are proposing to eliminate and revise certain recordkeeping and reporting requirements related to the SSM exemption as further described below.

The EPA has attempted to ensure that the provisions we are proposing to eliminate are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. We are specifically seeking comment on whether we have successfully done so.

In proposing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained below, has not proposed alternate standards for those periods.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead they are, by definition, sudden, infrequent, and not reasonably preventable failures of emissions control, process, or monitoring equipment. (40 CFR 63.2, Definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards, and this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016). Under CAA section 112, emissions standards for new

sources must be no less stringent than the level ''achieved'' by the best controlled similar source and for existing sources generally must be no less stringent than the average emission limitation ''achieved'' by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level ''achieved'' by the best performing sources when setting emission standards. As the Court has recognized, the phrase ''average emissions limitation achieved by the best performing 12 percent of'' sources ''says nothing about how the performance of the best units is to be calculated.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1141 (D.C. Cir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels the EPA to consider such events in setting CAA section 112 standards.

As the Court recognized in *U.S. Sugar Corp,* accounting for malfunctions in setting standards would be difficult, if not impossible, given the myriad different types of malfunctions that can occur across all sources in the category and given the difficulties associated with predicting or accounting for the frequency, degree, and duration of various malfunctions that might occur. *Id.* at 608 (''The EPA would have to conceive of a standard that could apply equally to the wide range of possible boiler malfunctions, ranging from an explosion to minor mechanical defects. Any possible standard is likely to be hopelessly generic to govern such a wide array of circumstances.'') As such, the performance of units that are malfunctioning is not ''reasonably'' foreseeable. See, *e.g., Sierra Club* v. *EPA,* 167 F.3d 658, 662 (D.C. Cir. 1999) (''The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem. We generally defer to an agency's decision to proceed on the basis of imperfect scientific information, rather than to 'invest the resources to conduct the perfect study.'') See also, *Weyerhaeuser* v. *Costle,* 590 F.2d 1011, 1058 (D.C. Cir. 1978) (''In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,' such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.''). In addition, emissions during a malfunction event can be significantly higher than emissions at any other time of source operation. For example, if an air pollution control device with 99-percent removal goes off-line as a result of a malfunction (as might happen if, for example, the bags in a baghouse catch fire) and the emission unit is a steady state type unit that would take days to shut down, the source would go from 99-percent control to zero control until the control device was repaired. The source's emissions during the malfunction would be 100 times higher than during normal operations. As such, the emissions over a 4-day malfunction period would exceed the annual emissions of the source during normal operations. As this example illustrates, accounting for malfunctions could lead to standards that are not reflective of (and significantly less stringent than) levels that are achieved by a well-performing non-malfunctioning source. It is reasonable to interpret CAA section 112 to avoid such a result. The EPA's approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute.

Although no statutory language compels the EPA to set standards for malfunctions, the EPA has the discretion to do so where feasible. For example, in the Petroleum Refinery Sector Risk and Technology Review, the EPA established a work practice standard for unique types of malfunction that result in releases from pressure relief devices or emergency flaring events because the EPA had information to determine that such work practices reflected the level of control that applies to the best performers. 80 FR 75178, 75211–14 (December 1, 2015). The EPA will consider whether circumstances warrant setting standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to identify the relevant best performing sources and establish a standard for such malfunctions. We also encourage commenters to provide any such information.

In the event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused, in part, by poor maintenance or careless operation. 40 CFR 63.2 (Definition of malfunction).

If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

In summary, the EPA interpretation of the CAA and, in particular, CAA section 112 is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016).

b. Proposed Revisions to the General Provisions Applicability Table

We are proposing to revise the General Provisions table (Table 8 to 40 CFR part 63, subpart VVVV) entry for 40 CFR 63.6(e)(3) by changing the ''yes'' in column 3 to a ''no.'' Generally, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, the EPA is proposing to remove the SSM exemptions. Therefore, affected units will be subject to an emission standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

We are proposing to revise Table 8 to 40 CFR part 63, subpart VVVV, to indicate that 40 CFR 63.8(c)(1)(i) and (iii) does not apply to 40 CFR part 63, subpart VVVV. The cross-references to the general duty and SSM plan

requirements in those subparagraphs of the General Provisions are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are proposing to revise Table 8 to 40 CFR part 63, subpart VVVV, to indicate that 40 CFR 63.8(d)(3) does not apply to 40 CFR part 63, subpart VVVV. The final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable.

We are proposing to revise the Table 8 to 40 CFR part 63, subpart VVVV, entry for 40 CFR 63.10(b)(2)(i) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is proposing that recordkeeping and reporting applicable to normal operations will apply to startup and shutdown. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, there is no reason to retain additional recordkeeping for startup and shutdown periods.

We are proposing to revise Table 8 to 40 CFR part 63, subpart VVVV, to indicate 40 CFR 63.10(b)(2)(ii), 40 CFR 63.10(b)(2)(iv), and 40 CFR 63.10(b)(2)(v) do not apply. Section 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction. The EPA is proposing to amend the requirements of 40 CFR 63.5767(d) to indicate that if a facility has an add-on control device, they must keep records of any failures to meet the applicable standards, including the date, time, and duration of the failure. The EPA is also proposing to add to 40 CFR 63.5767(d) a requirement that sources keep records that include a list of the affected add-on control device and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. The EPA is proposing to require that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

The provision of 40 CFR 63.10(b)(2)(iv), when applicable, requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions is now applicable by reference to 40 CFR 63.5767(d).

The provision of 40 CFR 63.10(b)(2)(v), when applicable, requires sources to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required.

We are proposing to revise Table 8 to 40 CFR part 63, subpart VVVV, to indicate that 40 CFR 63.10(c)(15) does not apply. When applicable, the provision allows an owner or operator to use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of the SSM plan specified in 40 CFR 63.6(e) to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is proposing to eliminate this requirement because SSM plans would no longer be required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

We are proposing to revise the Table 8 to 40 CFR part 63, subpart VVVV, entry for 40 CFR 63.10(d)(5) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(d)(5) describes the reporting requirements for startups, shutdowns, and malfunctions. To replace the General Provisions reporting requirement, the EPA is proposing to add reporting requirements to 40 CFR 63.5764. The replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. We are proposing language that requires sources with add-on control devices that fail to meet an applicable standard at any time to report the information concerning such events in a compliance report already required under this rule on a semiannual basis. We are proposing that the report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty to minimize emissions during a failure to meet an applicable standard.

We will no longer require owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan because plans would no longer be required. The proposed amendments, therefore, eliminate the cross reference to 40 CFR 63.10(d)(5)(i) that contains the description of the previously required SSM report format and submittal schedule from this section. These specifications are no longer necessary because the events will be reported in otherwise required reports with similar format and submittal requirements.

The proposed amendments also eliminate the cross reference to 40 CFR 63.10(d)(5)(ii). Section 63.10(d)(5)(ii) describes an immediate report for startups, shutdowns, and malfunctions when a source failed to meet an applicable standard, but did not follow the SSM plan. We will no longer require owners and operators to report when actions taken during a startup, shutdown, or malfunction were not consistent with an SSM plan because plans would no longer be required.

c. Definitions

We are proposing that definitions of ''Startup'' and ''Shutdown'' be added to 40 CFR 63.5779. The current rule relies on the 40 CFR part 63, subpart A, definitions of these terms which are based on the setting in operation of, and cessation of operation of add-on control devices. Because we are proposing that standards in this rule apply at all times, we find it appropriate to propose definitions of startup and shutdown based on these periods to clarify that it is the setting in operation of, and cessation of operation of add-on control devices that define startup and shutdown for purposes of 40 CFR part 63, subpart VVVV.

We are proposing that the definition of ''Deviation'' in 40 CFR 63.5779 be revised to remove language that differentiates between normal operations, startup and shutdown, and malfunction events.

2. Electronic Reporting Requirements

The EPA is proposing that owners and operators of facilities subject to the Boat Manufacturing NESHAP submit

electronic copies of initial notifications required in 40 CFR 63.9(b), notifications of compliance status required in 40 CFR 63.9(h), performance test reports, and semiannual reports through the EPA's Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI). A description of the electronic data submission process is provided in the memorandum, ''*Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,*'' available in Docket ID No. EPA–HQ–OAR–2016–0447. The proposed rule requires that performance test results collected using test methods that are supported by the EPA's Electronic Reporting Tool (ERT) as listed on the ERT website [20] at the time of the test be submitted in the format generated through the use of the ERT and that other performance test results be submitted in portable document format using the attachment module of the ERT. For semiannual reports, the proposed rule requires that owners and operators use the appropriate spreadsheet template to submit information to CEDRI. A draft version of the proposed template for these reports is included in the docket for this rulemaking (Docket ID No. EPA–HQ–OAR–2016–0447). The EPA specifically requests comment on the content, layout, and overall design of the template.

Additionally, by making the reports addressed in this proposed rulemaking readily available, the EPA, the regulated community, and the public will benefit when the EPA conducts its CAA-required technology and risk-based reviews. As a result of having performance test reports and air emission data readily accessible, our ability to carry out comprehensive reviews will be increased and achieved within a shorter period of time. These data will provide useful information on control efficiencies being achieved and maintained in practice within a source category and across source categories for regulated sources and pollutants. These reports can also be used to inform the technology-review process by providing information on improvements to add-on technology and new control technology.

Under an electronic reporting system, the EPA's Office of Air Quality Planning and Standards (OAQPS) would have air emissions and performance test data in hand; OAQPS would not have to collect these data from the EPA Regional offices or from delegated air agencies or industry sources in cases where these reports are not submitted to the EPA Regional offices. Thus, we anticipate fewer or less substantial ICRs may be needed in conjunction with prospective CAA-required technology and risk-based reviews. We expect this to result in a decrease in time spent by industry to respond to data collection requests. We also expect the ICRs to contain less extensive stack testing provisions, as we will already have stack test data electronically. Reduced testing requirements would be a cost savings to industry. The EPA should also be able to conduct these required reviews more quickly, as OAQPS will not have to include the ICR collection time in the process or spend time collecting reports from the EPA Regional offices. While the regulated community may benefit from a reduced burden of ICRs, the general public benefits from the Agency's ability to provide these required reviews more quickly, resulting in increased public health and environmental protection.

Electronic reporting minimizes submission of unnecessary or duplicative reports in cases where facilities report to multiple government agencies and the agencies opt to rely on the EPA's electronic reporting system to view report submissions. Where air agencies continue to require a paper copy of these reports and will accept a hard copy of the electronic report, facilities will have the option to print paper copies of the electronic reporting forms to submit to the air agencies, and, thus, minimize the time spent reporting to multiple agencies. Additionally, maintenance and storage costs associated with retaining paper records could likewise be minimized by replacing those records with electronic records of electronically submitted data and reports.

Air agencies could benefit from more streamlined and automated review of the electronically submitted data. For example, because performance test data would be readily-available in standard electronic format, air agencies would be able to review reports and data electronically rather than having to conduct a review of the reports and data manually. Having reports and associated data in electronic format facilitates review through the use of software ''search'' options, as well as the downloading and analyzing of data in spreadsheet format. Additionally, air agencies would benefit from the reported data being accessible to them through the EPA's electronic reporting system wherever and whenever they want or need access (as long as they have access to the internet). The ability to access and review reports electronically assists air agencies in determining compliance with applicable regulations more quickly and accurately, potentially allowing a faster response to violations, which could minimize harmful air emissions. This benefits both air agencies and the general public.

The proposed electronic reporting of test data is consistent with electronic data trends (*e.g.,* electronic banking and income tax filing). Electronic reporting of environmental data is already common practice in many media offices at the EPA. The changes being proposed in this rulemaking are needed to continue the EPA's transition to electronic reporting.

Additionally, the EPA has identified two broad circumstances in which electronic reporting extensions may be provided. In both circumstances, the decision to accept the claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible. The EPA is providing these potential extensions to protect owners and operators from noncompliance in cases where they cannot successfully submit a report by the reporting deadline for reasons outside of their control. The situation where an extension may be warranted due to outages of the EPA's CDX or CEDRI which precludes an owner or operator from accessing the system and submitting required reports is addressed in 40 CFR 63.5764. The situation where an extension may be warranted due to a force majeure event, which is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents an owner or operator from complying with the requirement to submit a report electronically as required by this rule is addressed in 40 CFR 63.5764. Examples of such events are acts of nature, acts of war or terrorism, equipment failure, or safety hazards beyond the control of the facility.

The electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and

[20] *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert.*

the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. Moreover, electronic reporting is consistent with the EPA's plan [21] to implement Executive Order 13563 and is in keeping with the EPA's Agency-wide policy [22] developed in response to the White House's Digital Government Strategy.[23] For more information on the benefits of electronic reporting, see the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2016–0447.

In this action, we are amending the rule to include 40 CFR 63.5765 describing the provisions for electronic reporting. In addition, 40 CFR 63.5770 has been amended to indicate that records may be stored as electronic documents.

E. What compliance dates are we proposing for the Boat Manufacturing source category?

The EPA is proposing that affected sources that commenced construction or reconstruction on or before May 17, 2019 must comply with all of the amendments, with the exception of the proposed electronic format for submitting notifications and compliance reports, no later than 180 days after the effective date of the final rule, or upon startup, whichever is later. Affected sources that commence construction or reconstruction after May 17, 2019 must comply with all requirements of the subpart, including the amendments being proposed, with the exception of the proposed electronic format for submitting notifications and compliance reports, no later than the effective date of the final rule or upon startup, whichever is later. All affected facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart VVVV, until the applicable compliance date of the amended rule. The final action is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10).

For existing sources, we are proposing two changes that would impact ongoing compliance requirements for 40 CFR part 63, subpart VVVV. As discussed elsewhere in this preamble, we are proposing to add a requirement that notifications, performance test results, and compliance reports be submitted electronically. We are also proposing to change the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods and by removing the requirement to develop and implement an SSM plan. Our experience with similar industries that are required to convert reporting mechanisms to install necessary hardware and software, become familiar with the process of submitting performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting shows that a time period of a minimum of 90 days, and, more typically, 180 days is generally necessary to successfully accomplish these revisions. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; to evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; and to update their operation, maintenance, and monitoring plan to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable and, thus, is proposing that all affected sources that commenced construction or reconstruction on or before May 17, 2019 be in compliance with all of this regulation's revised requirements within 180 days of the regulation's effective date.

We solicit comment on the proposed compliance periods, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended requirements and the time needed to make the adjustments for compliance with any of the revised requirements. We note that information provided may result in changes to the proposed compliance dates.

F. What are the results of the risk assessment and analyses for the Reinforced Plastic Composites Production source category?

1. Inhalation Risk Assessment Results

Table 3 of this preamble provides an overall summary of the inhalation risk results. The results of the chronic baseline inhalation cancer risk assessment indicate that, based on estimates of current actual and allowable emissions, the MIR posed by the Reinforced Plastic Composites Production source category was estimated to be 4-in-1 million for both model runs, from volatile organic compound HAP being emitted from pultrusion processes. The total estimated cancer incidence from reinforced plastic composites production emission sources based on actual and allowable emission levels is 0.001 excess cancer cases per year, or one case in every 1,000 years. Emissions of acrylonitrile, naphthalene, ethyl benzene, and benzo(ghi)perylene contributed 91 percent to this cancer incidence. Based upon actual emissions, 1,500 people were exposed to cancer risks greater than or equal to 1-in-1 million; for allowable emissions, approximately 2,100 people were estimated to be exposed to cancer risks greater than or equal to 1-in-1 million.

[21] EPA's Final Plan for Periodic Retrospective Reviews, August 2011. Available at: *https://www.regulations.gov/document?D=EPA-HQ-OA-2011-0156-0154.*

[22] E-Reporting Policy Statement for EPA Regulations, September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

[23] Digital Government: Building a 21st Century Platform to Better Serve the American People, May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

TABLE 3—INHALATION RISK ASSESSMENT SUMMARY FOR REINFORCED PLASTIC COMPOSITES PRODUCTION SOURCE CATEGORY

	Cancer MIR (in-1 million)		Cancer incidence (cases per year)	Population with risk of 1-in-1 million or greater	Population with risk of 10-in-1 million or greater	Max chronic noncancer HI (actuals and allowables)
	Based on actual emissions	Based on allowable emissions				
Source Category	4 (formaldehyde, ethyl benzene).	4 (formaldehyde, ethyl benzene).	0.001	1,500	0	HI = 1
Whole Facility	20 (cadmium,7–12-dimethylbenz [a]anthracene, nickel, formaldehyde.	.....	0.001	4,500	800	HI = 1

The maximum chronic noncancer TOSHI values for the source category, based on actual emissions, were estimated to be 1, with cobalt compounds driving the TOSHI value from the application of gel-coat and resins.

2. Acute Risk Results

Worst-case acute HQs were calculated for every HAP for which there is an acute health benchmark using actual emissions. The maximum off-site acute noncancer HQ value for the source category was equal to 3 from styrene emissions (based on the acute (1-hour) REL). The acute risks were based on actual emissions utilizing an hourly emissions multiplier of 3 times the annual emissions rate. Acute HQs are not calculated for allowable or whole facility emissions.

3. Multipathway Risk Screening Results

Results of the worst-case Tier 1 screening analysis indicate that PB–HAP emissions (based on estimates of actual emissions) from the source category did not exceed the screening values for the carcinogenic PB–HAP (arsenic compounds) or the noncarcinogenic PB–HAP (cadmium and mercury) that were emitted by 100 facilities of the 448 facilities in the source category. The only carcinogenic PB–HAP to exceed the Tier 1 screening value of 1 was POM compounds from two facilities with a maximum Tier 1 cancer screening value of 6. No additional multipathway screening was conducted for this source category.

An exceedance of a screening value in any of the tiers cannot be equated with a risk value or a HQ (or HI). Rather, it represents a high-end estimate of what the risk or hazard may be. For example, facility emissions exceeding the screening value by a factor of 2 for a non-carcinogen can be interpreted to mean that we are confident that the HQ would be lower than 2. Similarly, facility emissions exceeding the screening value by a factor of 20 for a carcinogen means that we are confident that the risk is lower than 20-in-1 million. Our confidence comes from the health-protective assumptions that are in the screens: We choose inputs from the upper end of the range of possible values for the influential parameters used in the screens; and we assume that the exposed individual exhibits ingestion behavior that would lead to a high total exposure.

In evaluating the potential for multipathway effects from emissions of lead, we compared modeled hourly lead concentrations to the secondary NAAQS for lead (0.15 $\mu g/m^3$). The highest hourly lead concentration, 0.013 $\mu g/m^3$, is below the NAAQS for lead, indicating a low potential for multipathway impacts of concern due to lead.

4. Environmental Risk Screening Results

As described in section III.A of this preamble, we conducted an environmental risk screening assessment for the Reinforced Plastic Composites Production source category for the following six pollutants: Cadmium, mercury, arsenic, lead, POM, and HCl. For the remaining two pollutants (dioxin/furans and HF), an environmental risk screening assessment was not performed because these pollutants are not emitted by the Reinforced Plastic Composites Production source category.

In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), we did not find any exceedances of the ecological benchmarks evaluated. For lead, we did not estimate any exceedances of the secondary lead NAAQS. For HCl, the average modeled concentration around each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individual modeled concentration of HCl (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities. Based on the results of the environmental risk screening analysis, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

5. Facility-Wide Risk Results

Results of the assessment of facility-wide emissions indicate that eleven of the 448 facilities have a facility-wide cancer risk greater than or equal to 1-in-1 million, and 1 facility has a facility-wide cancer risk greater than or equal to 10-in-1 million; refer to Table 4. The maximum facility-wide cancer risk is 20-in-1 million, mainly driven by cadmium compounds emissions from in-process fuel use of natural gas.

The total estimated cancer incidence from the whole facility is 0.001 excess cancer cases per year, or one case in every 1,000 years, with 4,500 people estimated to have cancer risks greater than or equal to 1-in-1 million from exposure to whole facility emissions and 800 people estimated to have cancer risks greater than or equal to 10-in-1 million.

The maximum facility-wide chronic non-cancer TOSHI is estimated to be equal to 1, mainly driven by cobalt emissions from the application of gel-coats and resins.

6. What demographic groups might benefit from this regulation?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risk to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risk from the Reinforced Plastic Composites Production source category across different demographic groups

within the populations living near facilities.[24]

The results of the demographic analysis are summarized in Table 4 below. These results, for various demographic groups, are based on the estimated risk from actual emissions levels for the population living within 50 km of the facilities.

TABLE 4—REINFORCED PLASTIC COMPOSITES PRODUCTION DEMOGRAPHIC RISK ANALYSIS RESULTS

	Nationwide	Population with cancer risk at or above 1-in-1 million due to Reinforced Plastic Composites Production	Population with chronic HI above 1 due to Reinforced Plastic Composites Production
Total Population	317,746,049	1,564	0
Race by Percent			
White	62	62	0
All Other Races	38	38	0
Race by Percent			
White	62	62	0
African American	12	26	0
Native American	0.8	0	0
Hispanic or Latino	18	7	0
Other and Multiracial	7	5	0
Ethnicity by Percent			
Hispanic	18	7	0
Non-Hispanic	82	93	0
Income by Percent			
Below Poverty Level	14	42	0
Above Poverty Level	86	58	0
Education by Percent			
Over 25 and without High School Diploma	14	16	0
Over 25 and with a High School Diploma	86	84	0

The results of the Reinforced Plastic Composites Production source category demographic analysis indicate that emissions from the source category expose approximately 1,600 people to a cancer risk at or above 1-in-1 million and no people to a chronic noncancer TOSHI greater than 1. The percentages of the at-risk population for 3 of the 11 demographic groups, people living below the poverty level, adults without a high school diploma, and African Americans, that reside within 50 km of facilities in the source category are greater than the corresponding national percentage for the same demographic groups.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Reinforced Plastic Composites Production Source Category,* available in the docket for this action.

G. What are our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effect for the Reinforced Plastic Composites Production source category?

1. Risk Acceptability

As noted in section II.A of this preamble, the EPA sets standards under CAA section 112(f)(2) using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of approximately 1-in-10 thousand'' (54 FR 38045, September 14, 1989).

For the Reinforced Plastic Composites Production source category, the risk analysis indicates that the cancer risks to the individual most exposed could be up to 4-in-1 million due to actual emissions and up to 4-in-1 million based on allowable emissions. These risks are considerably less than 100-in-1 million, which is the presumptive upper limit of acceptable risk. The risk analysis also shows very low cancer incidence (0.001 cases per year for actual emissions and 0.001 cases per year for allowable emissions), and we did not identify potential for adverse chronic noncancer health effects. The results of the acute screening analysis estimate a maximum acute noncancer HQ of 3 based on the acute REL for styrene. To better characterize the potential health risks associated with estimated worst-case acute exposures to HAP, we examine a wider range of available acute health metrics than we do for our chronic risk assessments. This is in acknowledgement that there are generally more data gaps and uncertainties in acute reference values

[24] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, people living two times the poverty level, and linguistically isolated people.

than there are in chronic reference values. By definition, the acute REL represents a health-protective level of exposure, with effects not anticipated below those levels, even for repeated exposures; however, the level of exposure that would cause health effects is not specifically known. As the exposure concentration increases above the acute REL, the potential for effects increases. Therefore, when an REL is exceeded and an AEGL–1 or ERPG–1 level is available (*i.e.,* levels at which mild, reversible effects are anticipated in the general public for a single exposure), we typically use them as an additional comparative measure, as they provide an upperbound for exposure levels above which exposed individuals could experience effects.

Based on the AEGL–1 for styrene, the HQ is less than 1 (0.7), below the level at which mild, reversible effects would be anticipated. In addition, the acute screening assessment includes the conservative (health protective) assumptions that every process releases its peak hourly emissions at the same hour, that the worst-case dispersion conditions occur at that same hour, and that an individual is present at the location of maximum concentration for that hour. Together, these factors lead us to conclude that significant acute effects are not anticipated due to emissions from this category. In addition, the risk assessment indicates no significant potential for multipathway health effects.

Considering all of the health risk information and factors discussed above, we propose to find that the risks from the Reinforced Plastic Composites Production source category are acceptable.

2. Ample Margin of Safety Analysis

Under the ample margin of safety analysis, we evaluated the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied in this source category to further reduce the risks (or potential risks) due to emissions of HAP, considering all of the health risks and other health information considered in the risk acceptability determination described above. In this analysis, we considered the results of the technology review, risk assessment, and other aspects of our MACT rule review to determine whether there are any cost-effective controls or other measures that would reduce emissions further and would be necessary to provide an ample margin of safety to protect public health.

Our risk analysis indicated the risks from the Reinforced Plastic Composites Production source category are low for both cancer and noncancer health effects, and, therefore, any risk reductions from further available control options would result in minimal health benefits. As noted in section IV.I of this preamble, no additional control measures were identified for reducing HAP emissions from sources in the Reinforced Plastic Composites Production source category. Thus, we are proposing that the Reinforced Plastic Composites Production NESHAP provides an ample margin of safety to protect health.

3. Adverse Environmental Effect

As described in sections III.A and IV.F.4, of this preamble, we conducted an environmental risk screening assessment for the Reinforced Plastic Composites Production source category for the following six pollutants: Cadmium, mercury, arsenic, lead, POM, and HCl. For arsenic, an environmental risk screening assessment was not performed because this pollutant is not emitted by the Reinforced Plastic Composites Production source category.

In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), we did not find any exceedances of the ecological benchmarks evaluated. For lead, we did not estimate any exceedances of the secondary lead NAAQS. For HCl, the average modeled concentration around each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individual modeled concentration of HCl (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities. Therefore, we do not expect adverse environmental effects as a result of HAP emissions from this source category and we are proposing that it is not necessary to set a more stringent standard to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

H. What are the results and proposed decisions based on our technology review for the Reinforced Plastic Composites Production source category?

As described in section III.B of this preamble, our technology review focused on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. In conducting the technology review, we reviewed various informational sources regarding the emissions from the Reinforced Plastic Composites Production source category. The review included a search of the RBLC database, reviews of air permits for reinforced plastic composites production facilities, and a review of relevant literature. We reviewed these data sources for information on practices, processes, and control technologies that were not considered during the development of the Reinforced Plastic Composites Production NESHAP. We also looked for information on improvements in practices, processes, and control technologies that have occurred since development of the Reinforced Plastic Composites Production NESHAP.

After reviewing information from the aforementioned sources, we did not identify any new developments in processes or control technologies used at reinforced plastic composites production facilities. We considered improvements in thermal oxidizers as HAP controls, given they were identified as potential add-on controls in the August 2, 2001, proposed rule (66 FR 40333). We did not identify any improvements in performance of thermal oxidizers, and we continue to believe that a thermal oxidizer is not a cost effective add-on control option for existing sources in this source category, due to the direct costs associated with high energy requirements for dilute HAP streams or the costs associated with operating a capture and control system. As with the Boat Manufacturing source category, we evaluated a controlled-spray training program as a practice that has potential to reduce the amount of HAP emitted in open molding resin and gel coat application operations. Specifically, we observed some facilities in the Reinforced Plastic Composites Production source category implementing a practice where the amount of overspray, during resin or gel coat application, was being weighed to determine the application efficiency. Further discussions with facility representatives and with the trade association indicated that facilities train their spray gun operators to deliver a controlled spray when applying resin and/or gel coat during open molding production, and that the practice of weighing the amount of overspray is an indicator of the effectiveness of their training program. As with the Boat Manufacturing source category, the EPA is seeking comment to determine the amount of HAP reductions that could be achieved, and whether HAP reductions can be applicable to all open mold production operations by all facilities in the source category. The EPA seeks

comment to determine whether this practice is widely used by industry, whether significant HAP reductions are achieved industry-wide, or whether HAP reductions can be achieved in the manufacturing of large and small parts.

Based on the technology review, we determined that there are no cost-effective developments in processes or control technologies that warrant revisions to the MACT standards for this source category. We will review any information provided in public responses to determine whether the rule should be amended to include a controlled-spray training program as standard cost-effective means to reduce HAP emissions. Additional details of our technology review can be found in the memorandum, *Technology Review for Boat Manufacturing and Reinforced Plastic Composites Production Source Category,* which is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2016–0449).

I. What other actions are we proposing for the Reinforced Plastic Composites Production source category?

In addition to the proposed actions described above, we are proposing additional revisions to the Reinforced Plastic Composites Production NESHAP. We are proposing revisions to the SSM provisions in order to ensure that they are consistent with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also are proposing to revise the Reinforced Plastic Composites Production NESHAP to include electronic reporting provisions. Our analyses and proposed changes related to these issues are discussed below.

1. SSM Requirements

a. Proposed Elimination of the SSM Exemption

We are proposing the elimination of the SSM exemption in the Reinforced Plastic Composites Production NESHAP which appears at 40 CFR 63.5835(b). As discussed at greater length in section IV.D.a and consistent with *Sierra Club* v. *EPA,* we are proposing standards in this rule that apply at all times. We are also proposing several revisions to Table 15 to 40 CFR part 63, subpart WWWW (the General Provisions Applicability Table), as is explained in more detail below. For example, we are proposing to eliminate the incorporation of the General Provisions' requirement that each source develop an SSM plan. We also are proposing to eliminate and revise certain recordkeeping and reporting requirements related to the SSM exemption as further described below.

The EPA has attempted to ensure that the provisions we are proposing to eliminate are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. We are specifically seeking comment on whether we have successfully done so.

In proposing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained in section IV.I.1 of this preamble, has not proposed alternate standards for those periods.

b. Proposed Revisions to the General Provisions Applicability Table

We are proposing to revise the General Provisions table (Table 15 to 40 CFR part 63, subpart WWWW) to indicate that 40 CFR 63.6(e)(1)(i) does not apply to the Reinforced Plastic Composites Production NESHAP. We are proposing instead to add general duty regulatory text at 40 CFR 63.5835(b) that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is proposing for 40 CFR 63.5835(b) does not include that language from 40 CFR 63.6(e)(1).

We are also proposing to revise Table 15 to 40 CFR part 63, subpart WWWW, to indicate that 40 CFR 63.6(e)(1)(ii) does not apply.

We are proposing to revise the Table 15 to 40 CFR part 63, subpart WWWW, entry for 40 CFR 63.6(e)(3) by changing the ''yes'' in column 3 to a ''no.'' As previously stated, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, since the EPA is proposing to remove the SSM exemptions, affected units will be subject to an emission standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

We are proposing to revise the Table 15 to 40 CFR part 63, subpart WWWW, entry for 40 CFR 63.6(f)(1) by changing the ''yes'' in column 3 to a ''no.'' The current language of 40 CFR 63.6(f)(1) exempts sources from non-opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standards apply continuously. Consistent with *Sierra Club,* the EPA is proposing to revise standards in this rule to apply at all times.

We are proposing to revise Table 15 to 40 CFR part 63, subpart WWWW, to indicate that 40 CFR 63.7(e)(1) does not apply. Section 63.7(e)(1) describes performance testing requirements. The EPA is instead proposing to revise performance testing requirement at 40 CFR 63.5850(d). The performance testing requirements we are proposing to add differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. The proposed performance testing provisions exclude periods of startup and shutdown. As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is proposing to add language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Section 63.7(e) requires that the owner or operator make available to the Administrator such records ''as may be necessary to determine the condition of the performance test'' available to the Administrator upon request, but does not specifically require the information to be recorded. The regulatory text the EPA is proposing to add to this provision builds on that requirement and makes explicit the requirement to record the information.

We are proposing to revise Table 15 to 40 CFR part 63, subpart WWWW, to indicate that 40 CFR 63.8(c)(1)(i) and (iii) do not apply to 40 CFR part 63, subpart WWWW. The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require

good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are proposing to revise Table 15 to 40 CFR part 63, subpart WWWW, to indicate 40 CFR 63.8(d)(3) does not apply.

We are proposing to revise the Table 15 to 40 CFR part 63, subpart WWWW, entry for 40 CFR 63.10(b)(2)(i) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is proposing that recordkeeping and reporting applicable to normal operations will apply to startup and shutdown. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, there is no reason to retain additional recordkeeping for startup and shutdown periods.

We are proposing to revise the Table 15 to 40 CFR part 63, subpart WWWW, entry for 40 CFR 63.10(b)(2)(ii) through (v) by changing the ''yes'' in column 3 to a ''no.'' Sections 63.10(b)(2)(ii) through (v) describes the recordkeeping requirements during startup, shutdown, and malfunction. The EPA is proposing to add such requirements to 40 CFR 63.5915(a). The regulatory text we are proposing to add differs from the General Provisions it is replacing in that the General Provisions requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. The EPA is proposing that this requirement apply to any failure to meet an applicable standard and is requiring that the source record the date, time, and duration of the failure rather than the ''occurrence.'' In this rule amendment the EPA is proposing to add to 40 CFR 63.5915(a) a requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. The EPA is proposing to require that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

We are proposing to revise Table 15 to 40 CFR part 63, subpart WWWW, to indicate that 40 CFR 63.10(c)(15) does not apply. When applicable, the provision allowed an owner or operator to use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of the SSM plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is proposing to eliminate this requirement because SSM plans would no longer be required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

We are proposing to revise the Table 15 to 40 CFR part 63, subpart WWWW, entry for 40 CFR 63.10(d)(5) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(d)(5) describes the reporting requirements for startups, shutdowns, and malfunctions. To replace the General Provisions reporting requirement, the EPA is proposing to add reporting requirements to 40 CFR 63.5910(h). We are proposing language that requires sources that fail to meet an applicable standard at any time to report the information concerning such events in the semiannual compliance report. We are proposing that the report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. The EPA is proposing this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty to minimize emissions during a failure to meet an applicable standard.

c. Proposed Revisions to Definitions

We are proposing that the definition of ''Deviation'' in 40 CFR 63.5900(e) be revised to remove language that differentiates between normal operations, startup and shutdown, and malfunction events.

2. Electronic Reporting Requirements

The EPA is proposing that owners and operators of facilities subject to the Reinforced Plastic Composites Production NESHAP submit electronic copies of initial notifications required in 40 CFR 63.9(b), notifications of compliance status required in 40 CFR 63.9(h), performance test reports, and semiannual reports through the EPA's CDX, using CEDRI. A description of the electronic data submission process is provided in the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2016–0449. The proposed rule requires that performance test results collected using test methods that are supported by the EPA's ERT as listed on the ERT website [25] at the time of the test be submitted in the format generated through the use of the ERT and that other performance test results be submitted in portable document format using the attachment module of the ERT. For semiannual reports, the proposed rule requires that owners and operators use the appropriate spreadsheet template to submit information to CEDRI. A draft version of the proposed template for these reports is included in the docket for this rulemaking (Docket ID. No. EPA–HQ–OAR–2016–0449). The EPA specifically requests comment on the content, layout, and overall design of the template.

The EPA has identified two broad circumstances in which electronic reporting extensions may be provided. In both circumstances, the decision to accept the claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible. The EPA is providing these potential extensions to protect owners and operators from noncompliance in cases where they cannot successfully submit a report by the reporting deadline for reasons outside of their control. The situation where an extension may be warranted due to outages of the EPA's CDX or CEDRI which precludes an owner or operator from accessing the system and submitting required reports is addressed in 40 CFR 63.5910. The situation where an extension may be warranted due to a force majeure event, which is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents an owner or operator from complying with the requirement to submit a report electronically as required by this rule is addressed in 40 CFR 63.5910. Examples of such events are acts of nature, acts of war or terrorism, equipment failure, or safety hazards beyond the control of the facility.

[25] *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert.*

The electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. Moreover, electronic reporting is consistent with the EPA's plan [26] to implement Executive Order 13563 and is in keeping with the EPA's agency-wide policy [27] developed in response to the White House's Digital Government Strategy.[28] For more information on the benefits of electronic reporting, see the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2016–0449.

In this action, we are amending the rule to include 40 CFR 63.5912 describing the provisions for electronic reporting. In addition, 40 CFR 63.5920 has been amended to indicate that records may be stored as electronic documents.

3. Correction to Table 4, Work Practice Standards.

In this action, we are adding text to Table 4 to 40 CFR part 63, subpart WWWW to clarify that mixers that route emissions to a capture and control device system that is at least 95- percent efficient overall are not required to have covers. In the 2003 NESHAP rulemaking, we determined that MACT for existing sources was pollution prevention measures (for mixing and BMC manufacturing operations) and that MACT for new sources was 95-percent control. We also considered whether the new source MACT floor for mixing operations should be incorporation of the pollution prevention measures (in this case covering the mixers) combined with 95-percent control. We determined that the best controlled facilities which route emissions to a 95-percent efficient control device do not also incorporate the best pollution prevention techniques. Therefore, we concluded that combining the pollution prevention requirements with the 95-percent control requirements would result in an overall control level that exceeds the levels at the best controlled facilities. (66 FR 40332, August 2, 2001). However, the text in table 4 of the regulation did not directly address whether mixers that capture and control emissions by 95 percent overall need to have covers. We have added text in line 6 of table 4 to clarify that covers are not required for mixers that fully capture and route emissions to a control device with at least 95-percent efficiency.

J. What compliance dates are we proposing for the Reinforced Plastic Composites Production source category?

The EPA is proposing that affected sources that commenced construction or reconstruction on or before May 17, 2019 must comply with all of the amendments, with the exception of the proposed electronic format for submitting notifications and compliance reports, no later than 180 days after the effective date of the final rule. Affected sources that commence construction or reconstruction after May 17, 2019 must comply with all requirements of the subpart, including the amendments being proposed, with the exception of the proposed electronic format for submitting notifications and compliance reports, no later than the effective date of the final rule or upon startup, whichever is later. All affected facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart WWWW, until the applicable compliance date of the amended rule. The final action is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10).

For existing sources, we are proposing two changes that would impact ongoing compliance requirements for 40 CFR part 63, subpart WWWW. As discussed elsewhere in this preamble, we are proposing to add a requirement that notifications, performance test results, and compliance reports be submitted electronically. We are also proposing to change the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods and by removing the requirement to develop and implement an SSM plan. Our experience with similar industries that are required to convert reporting mechanisms to install necessary hardware and software, become familiar with the process of submitting performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting shows that a time period of a minimum of 90 days, and, more typically, 180 days is generally necessary to successfully accomplish these revisions. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; to evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; and to update their operation, maintenance, and monitoring plan to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable and, thus, is proposing that all affected sources that commenced construction or reconstruction on or before May 17, 2019 be in compliance with all of this regulation's revised requirements within 180 days of the regulation's effective date.

We solicit comment on the proposed compliance periods, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended requirements and the time needed to make the adjustments for compliance with any of the revised requirements. We note that information provided may result in changes to the proposed compliance dates.

[26] EPA's Final Plan for Periodic Retrospective Reviews, August 2011. Available at: *https://www.regulations.gov/document?D=EPA-HQ-OA-2011-0156-0154.*

[27] E-Reporting Policy Statement for EPA Regulations, September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

[28] *Digital Government: Building a 21st Century Platform to Better Serve the American People,* May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

The EPA estimates that there are 93 boat manufacturing facilities that are subject to the Boat Manufacturing NESHAP affected by the proposed amendments to 40 CFR part 63, subpart VVVV, and 448 reinforced plastic composites production facilities subject to the Reinforced Plastic Composites Production NESHAP, affected by the proposed amendments to 40 CFR part 63, subpart WWWW. The bases of our estimates of affected facilities are provided in the memorandum, *Emissions Data for the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing and the National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production,* which is available in the respective dockets for this action. We are not currently aware of any planned or potential new or reconstructed manufacturing facilities in either of the source categories.

B. What are the air quality impacts?

All major sources in the two source categories would be required to comply with the relevant emission standards at all times without the SSM exemption. We were unable to quantify the specific emissions reductions associated with eliminating the SSM exemption. However, eliminating the SSM exemption has the potential to reduce emissions by requiring facilities to meet the applicable standard during SSM periods.

C. What are the cost impacts?

The one-time cost associated with reviewing the revised rules and becoming familiar with the electronic reporting requirements is estimated to be $446,448 (2016$); the one-time cost is composed of $75,629 for the Boat Manufacturing source category (93 facilities), and $370,819 for the Reinforced Plastic Composites Production source category (448 facilities). The total cost per facility in the Boat Manufacturing source category is estimated to be $399 per facility to review the final rule requirements and $414 per facility to become familiar with the electronic reporting requirements. The total cost per facility in the Reinforced Plastic Composites Production source category is estimated to be $414 per facility to review the final rule requirements and $414 per facility to become familiar with the electronic reporting requirements. All other costs associated with notifications, reporting, and recordkeeping are believed to be unchanged because the facilities in each source category are currently required to comply with notification, reporting, and recordkeeping requirements, and will continue to be required to comply with those requirements. The number of personnel-hours required to develop the materials in support of reports required by the NESHAP remain unchanged.

D. What are the economic impacts?

Economic impact analyses focus on changes in market prices and output levels. If changes in market prices and output levels in the primary markets are significant enough, impacts on other markets may also be examined. Both the magnitude of costs needed to comply with a proposed rule and the distribution of these costs among affected facilities can have a role in determining how the market will change in response to a proposed rule.

The cost per facility for all of the facilities in both source categories to review the proposed rule requirements and to become familiar with the electronic reporting requirements are less than 1 percent of annual sales revenues. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

In addition, the EPA prepared a small business screening assessment to determine whether any of the identified affected entities are small entities, as defined by the U.S. Small Business Administration. As result of our small business screening, we have identified 73 out of the 93 facilities in the Boat Manufacturing NESHAP as small entities, while 309 out of the 448 facilities in the Reinforced Plastic Composites Production NESHAP are small entities. For both industries, the costs associated with becoming familiar with the proposed rule requirements and to become familiar with the electronic reporting requirements are less than 1 percent of their annual sales revenues. Therefore, there are no significant economic impacts on a substantial number of small entities from these proposed amendments.

E. What are the benefits?

The EPA does not anticipate reductions in HAP emissions as a result of the proposed amendments to the Boat Manufacturing NESHAP or the Reinforced Plastic Composites Production NESHAP. Because these proposed amendments are not considered economically significant, as defined by Executive Order 12866, and because no emission reductions were estimated, we did not estimate any health benefits from reducing emissions.

VI. Request for Comments

We solicit comments on all aspects of this proposed action. In addition to general comments on this proposed action, we are also interested in additional data that may improve the risk assessments and other analyses. We are specifically interested in receiving any improvements to the data used in the site-specific emissions profiles used for risk modeling. Such data should include supporting documentation in sufficient detail to allow characterization of the quality and representativeness of the data or information. Section VII of this preamble provides more information on submitting data.

During site visits to various reinforced plastic composites production facilities, the EPA noted that a common practice observed at multiple facilities was the weighing of overspray collected from the floor as an indicator of spray efficiency. Overspray in this context would refer to the resin or gel coat that has left the spray gun, but was not applied to the product being manufactured. The EPA is also aware of a controlled-spray certification program offered by the American Composites Manufacturers Association (ACMA). After discussing the training program in greater detail with ACMA, and general controlled-spray training with the National Marine Manufacturers Association (NMMA), we are soliciting comment to collect information regarding the potential cost and benefit of revising the Boat Manufacturing NESHAP and/or the Reinforced Plastic Composites Production NESHAP to include controlled-spray training as a work practice standard. The work practice standard would apply to operations where styrene-containing resins and gel coats are sprayed onto an open mold. Refer to the memorandum with the subject, *Controlled Spray Program: Request for Comments,* in the docket (Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP). The referenced document includes background information related to controlling overspray during open molding operations, description of the type of information we are currently seeking, and proposed work practice language for the Boat Manufacturing NESHAP and the Reinforced Plastic Composites Manufacturing NESHAP.

VII. Submitting Data Corrections

The site-specific emissions profiles used in the source category risk and demographic analyses and instructions are available for download on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.* The data files include detailed information for each HAP emissions release point for the facilities in the source category.

If you believe that the data are not representative or are inaccurate, please identify the data in question, provide your reason for concern, and provide any ''improved'' data that you have, if available. When you submit data, we request that you provide documentation of the basis for the revised values to support your suggested changes. To submit comments on the data downloaded from the RTR website, complete the following steps:

1. Within this downloaded file, enter suggested revisions to the data fields appropriate for that information.

2. Fill in the commenter information fields for each suggested revision (*i.e.,* commenter name, commenter organization, commenter email address, commenter phone number, and revision comments).

3. Gather documentation for any suggested emissions revisions (*e.g.,* performance test reports, material balance calculations).

4. Send the entire downloaded file with suggested revisions in Microsoft® Access format and all accompanying documentation to Docket ID No. EPA–HQ–OAR–2016–0447 for the Boat Manufacturing NESHAP and EPA–HQ–OAR–2016–0449 for the Reinforced Plastic Composites Production NESHAP (through the method described in the **ADDRESSES** section of this preamble).

5. If you are providing comments on a single facility or multiple facilities, you need only submit one file for all facilities. The file should contain all suggested changes for all sources at that facility (or facilities). We request that all data revision comments be submitted in the form of updated Microsoft® Excel files that are generated by the Microsoft® Access file. These files are provided on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was, therefore, not submitted to OMB for review.

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

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to OMB under the PRA, as discussed for each source category covered by this proposal in sections VIII.C.1 and 2.

1. Boat Manufacturing

The ICR document that the EPA prepared has been assigned EPA ICR number 1966.06. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. We are proposing changes to the recordkeeping and reporting requirements associated with 40 CFR part 63, subpart VVVV, in the form of eliminating the SSM plan and reporting requirements; including reporting requirements for deviations in the semiannual report; and including the requirement for electronic submittal of reports. In addition, the number of facilities subject to the standards changed. The number of respondents was reduced from 441 to 93 based on consultation with industry representatives and state/local agencies.

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of boat manufacturing facilities subject to 40 CFR part 63, subpart VVVV.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVVV).

Estimated number of respondents: 93 facilities.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include one-time review of rule amendments, reports of periodic performance tests, and semiannual compliance reports.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be 7,914 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 2,318 hours (per year) for the Agency. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be $816,500 (rounded, per year). There are no estimated capital and operation and maintenance (O&M) costs. The total average annual Agency cost over the first 3 years after the amendments are final is estimated to be $107,700.

2. Reinforced Plastic Composites Production

The ICR document that the EPA prepared has been assigned EPA ICR number 1976.06. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. We are proposing changes to the recordkeeping and reporting requirements associated with 40 CFR part 63, subpart WWWW, in the form of eliminating the SSM plan and reporting requirements; including reporting requirements for deviations in the semiannual report; and including the requirement for electronic submittal of reports. In addition, the number of facilities subject to the standards changed. The number of respondents was reduced from 584 to 448 based on consultation with industry representatives and state/local agencies.

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of reinforced plastic composites production facilities subject to 40 CFR part 63, subpart WWWW.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart WWWW).

Estimated number of respondents: 448 facilities.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include one-time review of rule amendments, reports of periodic performance tests, and semiannual compliance reports.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be 38,125 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 2,318 hours (per year) for the Agency. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NESHAP,

averaged over the 3 years of this ICR, is estimated to be $3,933,400 (rounded, per year). There are no estimated capital and O&M costs. The total average annual Agency cost over the first 3 years after the amendments are final is estimated to be $107,700.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to the EPA using the dockets identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than June 17, 2019. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on the boat manufacturing and/or reinforced plastic composites production industries as a whole, and therefore, will not impose any requirements on small entities included in each source category.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175. No tribal facilities are known to be engaged in the Boat Manufacturing or Reinforced Plastic Composites Production source categories, and would not be affected by this action. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III.A and IV.A and B of this preamble.

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in sections IV.A, IV.B, IV.F, and IV.G of this preamble. As discussed in sections IV.A, IV.B, IV.F, and IV.G of this preamble, we performed a demographic analysis for each source category, which is an assessment of risks to individual demographic groups, of the population close to the facilities (within 50 km and within 5 km). In our analysis, we evaluated the distribution of HAP-related cancer risks and noncancer hazards from the Boat Manufacturing source category and the Reinforced Plastic Composites Production source category across different social, demographic, and economic groups within the populations living near operations identified as having the highest risks.

Results of the demographic analysis performed for the Boat Manufacturing source category indicate that, for seven of the 11 demographic groups, Hispanic or Latino, minority, people living below the poverty level, linguistically isolated people, adults without a high school diploma, adults 65 years of age or older, and African Americans that reside within 5 km of facilities in the source category is greater than the corresponding national percentage for the same demographic groups. When examining the risk levels of those exposed to emissions from boat manufacturing facilities, we find that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer TOSHI greater than 1.

The results of the Reinforced Plastic Composite Production source category demographic analysis indicate that emissions from the source category expose approximately 1,600 people to a cancer risk at or above 1-in-1 million and no people to a chronic noncancer TOSHI greater than 1. The percentages of the at-risk population for three of the 11 demographic groups; people living below the poverty level, adults without a high school diploma, and African Americans that reside within 50 km of facilities in the source category is greater than the corresponding national percentage for the same demographic groups.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 18, 2019.

Andrew R. Wheeler,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

Subpart VVVV—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

§ 63.5764 [Amended]

■ 2. Section 63.5764 is amended by removing paragraph (e).

■ 3. Section 63.5765 is added to read as follows:

§ 63.5765 How do I submit my reports?

(a) Within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (a)(1) through (3) of this section.

(1) Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test. Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) Confidential business information (CBI). If you claim some of the information submitted under paragraph (a)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (a)(1) of this section.

(b) Within 60 days after the date of completing each continuous monitoring system (CMS) performance evaluation as defined in § 63.2, you must submit the results of the performance evaluation following the procedures specified in paragraphs (b)(1) through (3) of this section.

(1) Performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation. Submit the results of the performance evaluation to the EPA via CEDRI, which can be accessed through the EPA's CDX. The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on the EPA's ERT website.

(2) Performance evaluations of CMS measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation. The results of the performance evaluation must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) Confidential business information. If you claim some of the information submitted under paragraph (a)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (a)(1) of this section.

(c) You must submit to the Administrator semiannual compliance reports of the information required in § 63.5764(c) and (d) . Beginning on [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], submit all subsequent reports following the procedure specified in paragraph (d) of this section.

(d) If you are required to submit reports following the procedure specified in this paragraph, beginning on [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], you must submit all subsequent reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is confidential business information (CBI), submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website or an alternate electronic file consistent with the XML schema listed on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(e) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (e)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(f) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majuere, you must meet the requirements outlined in paragraphs (f)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 4. Section 63.5767 is amended by revising paragraph (d) to read as follows:

§ 63.5767 What records must I keep?

* * * * *

(d) If your facility has an add-on control device, you must keep the records of any failures to meet the applicable standards, including the date, time, and duration of the failure; a list of the affected add-on control device and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions; control device performance tests; and continuous monitoring system performance evaluations.

■ 5. Section 63.5770 is amended by adding paragraph (e) to read as follows:

§ 63.5770 In what form and for how long must I keep my records?

* * * * *

(e) Any records required to be maintained by this part that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 6. Section 63.5779 is amended by removing the definition for ''Deviation'' and adding in alphabetical order definitions for ''Deviation after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**],'' ''Deviation before [DATE 181 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**],'' ''Shutdown,'' and ''Startup'' to read as follows:

§ 63.5779 What definitions apply to this subpart?

* * * * *

Deviation after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

Deviation before [DATE 181 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

* * * * *

Shutdown after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] means the cessation of operation of the add-on control devices.

Startup after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] means the setting in operation of the add-on control devices.

■ 7. Table 8 to Subpart VVVV of Part 63 is revised to read as follows:

Table 8 to Subpart VVVV of Part 63—Applicability of General Provisions (40 CFR Part 63, Subpart A) to Subpart VVVV

As specified in § 63.5773, you must comply with the applicable requirements of the General Provisions according to the following table:

Citation	Requirement	Applies to subpart VVVV	Explanation
§ 63.1(a)	General Applicability	Yes.	
§ 63.1(b)	Initial Applicability Determination	Yes.	
§ 63.1(c)(1)	Applicability After Standard Established	Yes.	
§ 63.1(c)(2)		Yes	Area sources are not regulated by subpart VVVV.
§ 63.1(c)(3)		No	[Reserved].
§ 63.1(c)(4)–(5)		Yes.	
§ 63.1(d)		No	[Reserved].
§ 63.1(e)	Applicability of Permit Program	Yes.	
§ 63.2	Definitions	Yes	Additional definitions are found in § 63.5779.
§ 63.3	Units and Abbreviations	Yes.	
§ 63.4(a)	Prohibited Activities	Yes.	
§ 63.4(b)–(c)	Circumvention/Severability	Yes.	
§ 63.5(a)	Construction/Reconstruction	Yes.	
§ 63.5(b)	Requirements for Existing, Newly Constructed, and Reconstructed Sources.	Yes.	
§ 63.5(c)		No	[Reserved].
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction/Reconstruction	Yes.	
§ 63.5(f)	Approval of Construction/Reconstruction Based on prior State Review.	Yes.	
§ 63.6(a)	Compliance with Standards and Maintenance Requirements—Applicability.	Yes.	
§ 63.6(b)	Compliance Dates for New and Reconstructed Sources.	Yes	§ 63.695 specifies compliance dates, including the compliance date for new area sources that become major sources after the effective date of the rule.
§ 63.6(c)	Compliance Dates for Existing Sources	Yes	§ 63.5695 specifies compliance dates, including the compliance date for existing area sources that become major sources after the effective date of the rule.
§ 63.6(d)		No	[Reserved].
§ 63.6(e)(1)–(2)	Operation and Maintenance Requirements	No	Operating requirements for open molding operations with add-on controls are specified in § 63.5725.
§ 63.6(e)(3)	Startup, Shut Down, and Malfunction Plans	No	Only sources with add-on controls must complete startup, shutdown, and malfunction plans.
§ 63.6(f)	Compliance with Nonopacity Emission Standards.	Yes.	
§ 63.6(g)	Use of an Alternative Nonopacity Emission Standard.	Yes.	
§ 63.6(h)	Compliance with Opacity/Visible Emissions Standards.	No	Subpart VVVV does not specify opacity or visible emission standards.
§ 63.6(i)	Extension of Compliance with Emission Standards.	Yes.	
§ 63.6(j)	Exemption from Compliance with Emission Standards.	Yes.	
§ 63.7(a)(1)	Performance Test Requirements	Yes.	
§ 63.7(a)(2)	Dates for performance tests	No	§ 63.5716 specifies performance test dates.
§ 63.7(a)(3)	Performance testing at other times	Yes.	
§ 63.7(b)–(h)	Other performance testing requirements	Yes.	
§ 63.8(a)(1)–(2)	Monitoring Requirements—Applicability	Yes	All of § 63.8 applies only to sources with add-on controls. Additional monitoring requirements for sources with add-on controls are found in § 63.5725.
§ 63.8(a)(3)		No	[Reserved].
§ 63.8(a)(4)		No	Subpart VVVV does not refer directly or indirectly to § 63.11.
§ 63.8(b)(1)	Conduct of Monitoring	Yes.	
§ 63.8(b)(2)–(3)	Multiple Effluents and Multiple Continuous Monitoring Systems (CMS).	Yes	Applies to sources that use a CMS on the control device stack.
§ 63.8(c)(1)(i) and (iii)	Continuous Monitoring System Operation and Maintenance.	No	References to startup, shutdown, malfunction are not applicable.
§ 63.8(c)(1)–(4)	Continuous Monitoring System Operation and Maintenance.	Yes	Except those provisions in § 63.8(c)(1)(i) and (iii) as noted above.
§ 63.8(c)(5)	Continuous Opacity Monitoring Systems (COMS).	No	Subpart VVVV does not have opacity or visible emission standards.
§ 63.8(c)(6)–(8)	Continuous Monitoring System Calibration Checks and Out-of-Control Periods.	Yes.	

Citation	Requirement	Applies to subpart VVVV	Explanation
§ 63.8(d)	Quality Control Program	Yes	Except those provisions of § 63.8(d)(3) regarding a startup, shutdown, malfunction plan as noted below.
§ 63.8(d)(3)	Quality Control Program	No	No requirement for a startup, shutdown, malfunction plan.
§ 63.8(e)	CMS Performance Evaluation	Yes.	
§ 63.8(f)(1)–(5)	Use of an Alternative Monitoring Method	Yes.	
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	Yes	Applies only to sources that use continuous emission monitoring systems (CEMS).
§ 63.8(g)	Data Reduction	Yes.	
§ 63.9(a)	Notification Requirements—Applicability	Yes.	
§ 63.9(b)	Initial Notifications	Yes.	
§ 63.9(c)	Request for Compliance Extension	Yes.	
§ 63.9(d)	Notification That a New Source Is Subject to Special Compliance Requirements.	Yes.	
§ 63.9(e)	Notification of Performance Test	Yes	Applies only to sources with add-on controls.
§ 63.9(f)	Notification of Visible Emissions/Opacity Test	No	Subpart VVVV does not have opacity or visible emission standards.
§ 63.9(g)(1)	Additional CMS Notifications—Date of CMS Performance Evaluation.	Yes	Applies only to sources with add-on controls.
§ 63.9(g)(2)	Use of COMS Data	No	Subpart VVVV does not require the use of COMS.
§ 63.9(g)(3)	Alternative to Relative Accuracy Testing	Yes	Applies only to sources with CEMS.
§ 63.9(h)	Notification of Compliance Status	Yes.	
§ 63.9(i)	Adjustment of Deadlines	Yes.	
§ 63.9(j)	Change in Previous Information	Yes.	
§ 63.10(a)	Recordkeeping/Reporting—Applicability	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	§§ 63.567 and 63.5770 specify additional recordkeeping requirements.
§ 63.10(b)(2)(i), (iii), (vi)–(xiv).	General Recordkeeping Requirements	Yes.	
§ 63.10(b)(2)(ii), (iv), (v)	Recordkeeping Relevant to Startup, Shutdown, and Malfunction Periods.	No.	
§ 63.10(b)(3)	Recordkeeping Requirements for Applicability Determinations.	Yes	§ 63.5686 specifies applicability determinations for non-major sources.
§ 63.10(c)(1)–(14)	Additional Recordkeeping for Sources with CMS.	Yes	Applies only to sources with add-on controls.
§ 63.10(c)(15)	Additional Recordkeeping for Sources with CMS.	No	No requirement for a startup, shutdown, malfunction plan.
§ 63.10(d)(1)	General Reporting Requirements	Yes	§ 63.5764 specifies additional reporting requirements.
§ 63.10(d)(2)	Performance Test Results	Yes	§ 63.5764 specifies additional requirements for reporting performance test results.
§ 63.10(d)(3)	Opacity or Visible Emissions Observations	No	Subpart VVVV does not specify opacity or visible emission standards.
§ 63.10(d)(4)	Progress Reports for Sources with Compliance Extensions.	Yes.	
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports	No	Applies only to sources with add-on controls.
§ 63.10(e)(1)	Additional CMS Reports—General	Yes	Applies only to sources with add-on controls.
§ 63.10(e)(2)	Reporting Results of CMS Performance Evaluations.	Yes	Applies only to sources with add-on controls.
§ 63.10(e)(3)	Excess Emissions/CMS Performance Reports	Yes	Applies only to sources with add-on controls.
§ 63.10(e)(4)	COMS Data Reports	No	Subpart VVVV does not specify opacity or visible emission standards.
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes.	
§ 63.11	Control Device Requirements—Applicability	No	Facilities subject to subpart VVVV do not use flares as control devices.
§ 63.12	State Authority and Delegations	Yes	§ 63.5776 lists those sections of subpart A that are not delegated.
§ 63.13	Addresses	Yes.	
§ 63.14	Incorporation by Reference	Yes.	
§ 63.15	Availability of Information/Confidentiality	Yes.	

Subpart WWWW—National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production

■ 8. Section 63.5835 is amended by revising paragraph (b) and removing paragraph (d). The revision reads as follows:

§ 63.5835 What are my general requirements for complying with this subpart?

* * * * *

(b) You must be in compliance with all organic HAP emissions limits in this subpart that you meet using add-on controls at all times.

* * * * *

■ 9. Section 63.5900 is amended by revising paragraph (c), and removing

paragraphs (d) and (e). The revision reads as follows:

§ 63.5900 How do I demonstrate continuous compliance with the standards?

* * * * *

(c) You must meet the organic HAP emissions limits and work practice standards that apply to you at all times.

■ 10. Section 63.5910 is amended by removing and reserving paragraph (c)(4), and revising paragraph (d) introductory text, and paragraphs (e), and (h). The revisions read as follows:

§ 63.5910 What reports must I submit and when?

* * * * *

(d) For each deviation from an organic HAP emissions limitation (*i.e.,* emissions limit and operating limit) and for each deviation from the requirements for work practice standards that occurs at an affected source where you are not using a CMS to comply with the organic HAP emissions limitations or work practice standards in this subpart, the compliance report must contain the information in paragraphs (c)(1) through (3) of this section and in paragraphs (d)(1) and (2) of this section.

* * * * *

(e) For each deviation from an organic HAP emissions limitation (*i.e.,* emissions limit and operating limit) occurring at an affected source where you are using a CMS to comply with the organic HAP emissions limitation in this subpart, you must include the information in paragraphs (c)(1) through (3) of this section and in paragraphs (e)(1) through (6) of this section.

(1) The date and time that each malfunction started and stopped.

(2) The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each CMS was out of control, including the information in § 63.8(c)(8).

(4) The date and time that each deviation started and stopped.

(5) A summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

* * * * *

(h) Submit compliance reports based on the requirements in table 14 to this subpart, and not based on the requirements in § 63.999.

* * * * *

■ 11. Section 63.5912 is added to read as follows:

§ 63.5912 How do I submit my reports?

(a) Within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (a)(1) through (3) of this section.

(1) Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test. Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) Confidential business information (CBI). If you claim some of the information submitted under paragraph (a)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (a)(1) of this section.

(b) Within 60 days after the date of completing each continuous monitoring system (CMS) performance evaluation as defined in § 63.2, you must submit the results of the performance evaluation following the procedures specified in paragraphs (b)(1) through (3) of this section.

(1) Performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation. Submit the results of the performance evaluation to the EPA via CEDRI, which can be accessed through the EPA's CDX. The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on the EPA's ERT website.

(2) Performance evaluations of CMS measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation. The results of the performance evaluation must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) Confidential business information (CBI). If you claim some of the information submitted under paragraph (a)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (a)(1) of this section.

(c) You must submit to the Administrator semiannual compliance reports containing the information specified in § 63.5910(c) through (f). Beginning on [DATE 181 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], submit all subsequent reports following the procedure specified in paragraph (d) of this section.

(d) If you are required to submit reports following the procedure specified in this paragraph, beginning on [DATE 181 DAYS AFTER DATE OF

PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], you must submit all subsequent reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is confidential business information (CBI), submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website or an alternate electronic file consistent with the XML schema listed on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(e) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (e)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(f) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majuere, you must meet the requirements outlined in paragraphs (f)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

§ 63.5915 [Amended]

■ 12. Section 63.5915 is amended by removing and reserving paragraph (a)(2).

■ 13. Section 63.5920 is amended by adding paragraph (e) to read as follows:

§ 63.5920 In what form and how long must I keep my records?

* * * * *

(e) Any records required to be maintained by this part that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 14. Section 63.5935 is amended by adding the definitions of ''Deviation after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**],'' and ''Deviation before [DATE 181 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**],'' to read as follows.

§ 63.5935 What definitions apply to this subpart?

* * * * *

Deviation after [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

Deviation before [DATE 181 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

* * * * *

■ 15. Table 4 of Subpart WWWW of Part 63 is revised to read as follows:

Table 4 to Subpart WWWW of Part 63—Work Practice Standards

As specified in § 63.5805, you must meet the work practice standards in the following table that apply to you:

For . . .	You must . . .
1. a new or existing closed molding operation using compression/injection molding.	uncover, unwrap or expose only one charge per mold cycle per compression/injection molding machine. For machines with multiple molds, one charge means sufficient material to fill all molds for one cycle. For machines with robotic loaders, no more than one charge may be exposed prior to the loader. For machines fed by hoppers, sufficient material may be uncovered to fill the hopper. Hoppers must be closed when not adding materials. Materials may be uncovered to feed to slitting machines. Materials must be recovered after slitting.
2. a new or existing cleaning operation	not use cleaning solvents that contain HAP, except that styrene may be used as a cleaner in closed systems, and organic HAP containing cleaners may be used to clean cured resin from application equipment. Application equipment includes any equipment that directly contacts resin.
3. a new or existing materials HAP-containing materials storage operation.	keep containers that store HAP-containing materials closed or covered except during the addition or removal of materials. Bulk HAP-containing materials storage tanks may be vented as necessary for safety.
4. an existing or new SMC manufacturing operation	close or cover the resin delivery system to the doctor box on each SMC manufacturing machine. The doctor box itself may be open.
5. an existing or new SMC manufacturing operation	use a nylon containing film to enclose SMC.
6. all mixing or BMC manufacturing operations [1]	use mixer covers with no visible gaps present in the mixer covers, except that gaps of up to 1 inch are permissible around mixer shafts and any required instrumentation. use mixer covers with no visible gaps present in the mixer covers, except that gaps of up to 1 inch are permissible around mixer shafts and any required instrumentation. Mixers where the emissions are fully captured and routed to a 95 percent efficient control device are exempt from this requirement.
7. all mixing or BMC manufacturing operations [1]	close any mixer vents when actual mixing is occurring, except that venting is allowed during addition of materials, or as necessary prior to adding materials or opening the cover for safety. Vents routed to a 95 percent efficient control device are exempt from this requirement.
8. all mixing or BMC manufacturing operations [1]	keep the mixer covers closed while actual mixing is occurring except when adding materials or changing covers to the mixing vessels.
9. a new or existing pultrusion operation manufacturing parts that meet the following criteria: 1,000 or more reinforcements or the glass equivalent of 1,000 ends of 113 yield roving or more; and have a cross sectional area of 60 square inches or more that is not subject to the 95 percent organic HAP emission reduction requirement.	i. not allow vents from the building ventilation system, or local or portable fans to blow directly on or across the wet-out area(s), ii. not permit point suction of ambient air in the wet-out area(s) unless that air is directed to a control device, iii. use devices such as deflectors, baffles, and curtains when practical to reduce air flow velocity across the wet-out area(s), iv. direct any compressed air exhausts away from resin and wet-out area(s), v. convey resin collected from drip-off pans or other devices to reservoirs, tanks, or sumps via covered troughs, pipes, or other covered conveyance that shields the resin from the ambient air, vi. cover all reservoirs, tanks, sumps, or HAP-containing materials storage vessels except when they are being charged or filled, and vii. cover or shield from ambient air resin delivery systems to the wet-out area(s) from reservoirs, tanks, or sumps where practical.

[1] Containers of 5 gallons or less may be open when active mixing is taking place, or during periods when they are in process (*i.e.,* they are actively being used to apply resin). For polymer casting mixing operations, containers with a surface area of 500 square inches or less may be open while active mixing is taking place.

■ 16. Table 14 of Subpart WWWW of Part 63 is revised to read as follows:

Table 14 to Subpart WWWW of Part 63—Requirements for Reports

As required in § 63.5910(a), (b), (g), and (h), you must submit reports on the schedule shown in the following table:

You must submit a(n)	The report must contain . . .	You must submit the report . . .
1. Compliance report	a. A statement that there were no deviations during that reporting period if there were no deviations from any emission limitations (emission limit, operating limit, opacity limit, and visible emission limit) that apply to you and there were no deviations from the requirements for work practice standards in Table 4 to this subpart that apply to you. If there were no periods during which the CMS, including CEMS, and operating parameter monitoring systems, was out of control as specified in § 63.8(c)(7), the report must also contain a statement that there were no periods during which the CMS was out of control during the reporting period.	Semiannually according to the requirements in § 63.5910(b).
	b. The information in § 63.5910(d) if you have a deviation from any emission limitation (emission limit, operating limit, or work practice standard) during the reporting period. If there were periods during which the CMS, including CEMS, and operating parameter monitoring systems, was out of control, as specified in § 63.8(c)(7), the report must contain the information in § 63.5910(e).	Semiannually according to the requirements in § 63.5910(b).

■ 17. Table 15 of Subpart WWWW of Part 63 is revised to read as follows:

Table 15 to Subpart WWWW of Part 63—Applicability of General Provisions (Subpart A) to Subpart WWWW of Part 63

As specified in § 63.5925, the parts of the General Provisions which apply to you are shown in the following table:

The general provisions reference . . .	That addresses . . .	And applies to subpart WWWW of part 63 . . .	Subject to the following additional information . . .
§ 63.1(a)(1)	General applicability of the general provisions	Yes	Additional terms defined in subpart WWWW of part 63, when overlap between subparts A and WWWW of part 63 of this part, subpart WWWW of part 63 takes precedence.
§ 63.1(a)(2) through (4)	General applicability of the general provisions	Yes.	
§ 63.1(a)(5)	Reserved	No.	
§ 63.1(a)(6)	General applicability of the general provisions	Yes.	
§ 63.1(a)(7) through (9)	Reserved	No.	
§ 63.1(a)(10) through (14)	General applicability of the general provisions	Yes.	
§ 63.1(b)(1)	Initial applicability determination	Yes	Subpart WWWW of part 63 clarifies the applicability in §§ 63.5780 and 63.5785.
§ 63.1(b)(2)	Reserved	No.	
§ 63.1(b)(3)	Record of the applicability determination	Yes.	
§ 63.1(c)(1)	Applicability of this part after a relevant standard has been set under this part.	Yes	Subpart WWWW of part 63 clarifies the applicability of each paragraph of subpart A to sources subject to subpart WWWW of part 63.
§ 63.1(c)(2)	Title V operating permit requirement	Yes	All major affected sources are required to obtain a title V operating permit. Area sources are not subject to subpart WWWW of part 63.
§ 63.1(c)(3) and (4)	Reserved	No.	
§ 63.1(c)(5)	Notification requirements for an area source that increases HAP emissions to major source levels.	Yes.	
§ 63.1(d)	Reserved	No.	
§ 63.1(e)	Applicability of permit program before a relevant standard has been set under this part.	Yes.	
§ 63.2	Definitions	Yes	Subpart WWWW of part 63 defines terms in § 63.5935. When overlap between subparts A and WWWW of part 63 occurs, you must comply with the subpart WWWW of part 63 definitions, which take precedence over the subpart A definitions.
§ 63.3	Units and abbreviations	Yes	Other units and abbreviations used in subpart WWWW of part 63 are defined in subpart WWWW of part 63.
§ 63.4	Prohibited activities and circumvention	Yes	§ 63.4(a)(3) through (5) is reserved and does not apply.
§ 63.5(a)(1) and (2)	Applicability of construction and reconstruction	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.

The general provisions reference . . .	That addresses . . .	And applies to subpart WWWW of part 63 . . .	Subject to the following additional information . . .
§ 63.5(b)(1)	Relevant standards for new sources upon construction.	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.
§ 63.5(b)(2)	Reserved	No.	
§ 63.5(b)(3)	New construction/reconstruction	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.
§ 63.5(b)(4)	Construction/reconstruction notification	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.
§ 63.5(b)(5)	Reserved	No.	
§ 63.5(b)(6)	Equipment addition or process change	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.
§ 63.5(c)	Reserved	No.	
§ 63.5(d)(1)	General application for approval of construction or reconstruction.	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.
§ 63.5(d)(2)	Application for approval of construction	Yes.	
§ 63.5(d)(3)	Application for approval of reconstruction	No.	
§ 63.5(d)(4)	Additional information	Yes.	
§ 63.5(e)(1) through (5)	Approval of construction or reconstruction	Yes.	
§ 63.5(f)(1) and (2)	Approval of construction or reconstruction based on prior State preconstruction review.	Yes.	
§ 63.6(a)(1)	Applicability of compliance with standards and maintenance requirements.	Yes.	
§ 63.6(a)(2)	Applicability of area sources that increase HAP emissions to become major sources.	Yes.	
§ 63.6(b)(1) through (5)	Compliance dates for new and reconstructed sources.	Yes	Subpart WWWW of part 63 clarifies compliance dates in § 63.5800.
§ 63.6(b)(6)	Reserved	No.	
§ 63.6(b)(7)	Compliance dates for new operations or equipment that cause an area source to become a major source.	Yes	New operations at an existing facility are not subject to new source standards.
§ 63.6(c)(1) and (2)	Compliance dates for existing sources	Yes	Subpart WWWW of part 63 clarifies compliance dates in § 63.5800.
§ 63.6(c)(3) and (4)	Reserved	No.	
§ 63.6(c)(5)	Compliance dates for existing area sources that become major.	Yes	Subpart WWWW of part 63 clarifies compliance dates in § 63.5800.
§ 63.6(d)	Reserved	No.	
§ 63.6(e)(1)	Operation & maintenance requirements	Yes	Except portions of § 63.6(e)(1)(i) and (ii) specific to conditions during startup, shutdown, or malfunction.
§ 63.6(e)(3)	Startup, shutdown, and malfunction plan and recordkeeping.	No.	
§ 63.6(f)(1)	Compliance except during periods of startup, shutdown, and malfunction.	No	Subpart WWWW of part 63 requires compliance at all times.
§ 63.6(f)(2) and (3)	Methods for determining compliance	Yes.	
§ 63.6(g)(1) through (3)	Alternative standard	Yes.	
§ 63.6(h)	Opacity and visible emission Standards	No	Subpart WWWW of part 63 does not contain opacity or visible emission standards.
§ 63.6(i)(1) through (14)	Compliance extensions	Yes.	
§ 63.6(i)(15)	Reserved	No.	
§ 63.6(i)(16)	Compliance extensions	Yes.	
§ 63.6(j)	Presidential compliance exemption	Yes.	
§ 63.7(a)(1)	Applicability of performance testing requirements.	Yes.	
§ 63.7(a)(2)	Performance test dates	No	Subpart WWWW of part 63 initial compliance requirements are in § 63.5840.
§ 63.7(a)(3)	CAA Section 114 authority	Yes.	
§ 63.7(b)(1)	Notification of performance test	Yes.	
§ 63.7(b)(2)	Notification rescheduled performance test	Yes.	
§ 63.7(c)	Quality assurance program, including test plan	Yes	Except that the test plan must be submitted with the notification of the performance test.
§ 63.7(d)	Performance testing facilities	Yes.	
§ 63.7(e)	Conditions for conducting performance tests	Yes	Performance test requirements are contained in § 63.5850. Additional requirements for conducting performance tests for continuous lamination/casting are included in § 63.5870. Conditions specific to operations during periods of startup, shutdown, and malfunction in § 63.7(e)(1) do not apply.
§ 63.7(f)	Use of alternative test method	Yes.	
§ 63.7(g)	Performance test data analysis, recordkeeping, and reporting.	Yes.	
§ 63.7(h)	Waiver of performance tests	Yes.	

The general provisions reference . . .	That addresses . . .	And applies to subpart WWWW of part 63 . . .	Subject to the following additional information . . .
§ 63.8(a)(1) and (2)	Applicability of monitoring requirements	Yes.	
§ 63.8(a)(3)	Reserved	No.	
§ 63.8(a)(4)	Monitoring requirements when using flares	Yes.	
§ 63.8(b)(1)	Conduct of monitoring exceptions	Yes.	
§ 63.8(b)(2) and (3)	Multiple effluents and multiple monitoring systems.	Yes.	
§ 63.8(c)(1)	Compliance with CMS operation and maintenance requirements.	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit. Except references to SSM plans in § 63.8(c)(1)(i) and § 63.8(c)(1)(iii).
§ 63.8(c)(2) and (3)	Monitoring system installation	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(c)(4)	CMS requirements	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(c)(5)	Continuous Opacity Monitoring System (COMS) minimum procedures.	No	Subpart WWWW of part 63 does not contain opacity standards.
§ 63.8(c)(6) through (8)	CMS calibration and periods CMS is out of control.	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(d)(1)–(2)	CMS quality control program, including test plan and all previous versions.	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(d)(3)	CMS quality control program, including test plan and all previous versions.	Yes	Except references to SSM plans in § 63.8(d)(3).
§ 63.8(e)(1)	Performance evaluation of CMS	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(e)(2)	Notification of performance evaluation	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(e)(3) and (4)	CMS requirements/alternatives	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(e)(5)(i)	Reporting performance evaluation results	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(e)(5)(ii)	Results of COMS performance evaluation	No	Subpart WWWW of part 63 does not contain opacity standards.
§ 63.8(f)(1) through (3)	Use of an alternative monitoring method	Yes.	
§ 63.8(f)(4)	Request to use an alternative monitoring method.	Yes.	
§ 63.8(f)(5)	Approval of request to use an alternative monitoring method.	Yes.	
§ 63.8(f)(6)	Request for alternative to relative accuracy test and associated records.	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.8(g)(1) through (5)	Data reduction	Yes.	
§ 63.9(a)(1) through (4)	Notification requirements and general information.	Yes.	
§ 63.9(b)(1)	Initial notification applicability	Yes.	
§ 63.9(b)(2)	Notification for affected source with initial startup before effective date of standard.	Yes.	
§ 63.9(b)(3)	Reserved	No.	
§ 63.9(b)(4)(i)	Notification for a new or reconstructed major affected source with initial startup after effective date for which an application for approval of construction or reconstruction is required.	Yes.	
§ 63.9(b)(4)(ii) through (iv)	Reserved	No.	
§ 63.9(b)(4)(v)	Notification for a new or reconstructed major affected source with initial startup after effective date for which an application for approval of construction or reconstruction is required.	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.

The general provisions reference . . .	That addresses . . .	And applies to subpart WWWW of part 63 . . .	Subject to the following additional information . . .
§ 63.9(b)(5)	Notification that you are subject to this subpart for new or reconstructed affected source with initial startup after effective date and for which an application for approval of construction or reconstruction is not required.	Yes	Existing facilities do not become reconstructed under subpart WWWW of part 63.
§ 63.9(c)	Request for compliance extension	Yes.	
§ 63.9(d)	Notification of special compliance requirements for new source.	Yes.	
§ 63.9(e)	Notification of performance test	Yes.	
§ 63.9(f)	Notification of opacity and visible emissions observations.	No	Subpart WWWW of part 63 does not contain opacity or visible emission standards.
§ 63.9(g)(1)	Additional notification requirements for sources using CMS.	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.9(g)(2)	Notification of compliance with opacity emission standard.	No	Subpart WWWW of part 63 does not contain opacity emission standards.
§ 63.9(g)(3)	Notification that criterion to continue use of alternative to relative accuracy testing has been exceeded.	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.9(h)(1) through (3)	Notification of compliance status	Yes.	
§ 63.9(h)(4)	Reserved	No.	
§ 63.9(h)(5) and (6)	Notification of compliance status	Yes.	
§ 63.9(i)	Adjustment of submittal deadlines	Yes.	
§ 63.9(j)	Change in information provided	Yes.	
§ 63.10(a)	Applicability of recordkeeping and reporting	Yes.	
§ 63.10(b)(1)	Records retention	Yes.	
§ 63.10(b)(2)(i) through (v)	Records related to startup, shutdown, and malfunction.	No.	
§ 63.10(b)(2)(vi) through (xi)	CMS records, data on performance tests, CMS performance evaluations, measurements necessary to determine conditions of performance tests, and performance evaluations.	Yes.	
§ 63.10(b)(2)(xii)	Record of waiver of recordkeeping and reporting.	Yes.	
§ 63.10(b)(2)(xiii)	Record for alternative to the relative accuracy test.	Yes.	
§ 63.10(b)(2)(xiv)	Records supporting initial notification and notification of compliance status.	Yes.	
§ 63.10(b)(3)	Records for applicability determinations	Yes.	
§ 63.10(c)(1)	CMS records	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.10(c)(2) through (4)	Reserved	No.	
§ 63.10(c)(5) through (8)	CMS records	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.10(c)(9)	Reserved	No.	
§ 63.10(c)(10) through (14)	CMS records	Yes	This section applies if you elect to use a CMS to demonstrate continuous compliance with an emission limit.
§ 63.10(c)(15)	CMS records	No.	
§ 63.10(d)(1)	General reporting requirements	Yes.	
§ 63.10(d)(2)	Report of performance test results	Yes.	
§ 63.10(d)(3)	Reporting results of opacity or visible emission observations.	No	Subpart WWWW of part 63 does not contain opacity or visible emission standards.
§ 63.10(d)(4)	Progress reports as part of extension of compliance.	Yes.	
§ 63.10(d)(5)	Startup, shutdown, and malfunction reports	No.	
§ 63.10(e)(1) through (3)	Additional reporting requirements for CMS	Yes	This section applies if you have an add-on control device and elect to use a CEM to demonstrate continuous compliance with an emission limit.
§ 63.10(e)(4)	Reporting COMS data	No	Subpart WWWW of part 63 does not contain opacity standards.
§ 63.10(f)	Waiver for recordkeeping or reporting	Yes.	
§ 63.11	Control device requirements	Yes	Only applies if you elect to use a flare as a control device.
§ 63.12	State authority and delegations	Yes.	
§ 63.13	Addresses of State air pollution control agencies and EPA Regional Offices.	Yes.	
§ 63.14	Incorporations by reference	Yes.	

The general provisions reference . . .	That addresses . . .	And applies to subpart WWWW of part 63 . . .	Subject to the following additional information . . .
§ 63.15	Availability of information and confidentiality	Yes.	

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Part IV

The President

Executive Order 13873—Securing the Information and Communications Technology and Services Supply Chain

Federal Register
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Presidential Documents

Title 3—

The President

Executive Order 13873 of May 15, 2019

Securing the Information and Communications Technology and Services Supply Chain

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that foreign adversaries are increasingly creating and exploiting vulnerabilities in information and communications technology and services, which store and communicate vast amounts of sensitive information, facilitate the digital economy, and support critical infrastructure and vital emergency services, in order to commit malicious cyber-enabled actions, including economic and industrial espionage against the United States and its people. I further find that the unrestricted acquisition or use in the United States of information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries augments the ability of foreign adversaries to create and exploit vulnerabilities in information and communications technology or services, with potentially catastrophic effects, and thereby constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. This threat exists both in the case of individual acquisitions or uses of such technology or services, and when acquisitions or uses of such technologies are considered as a class. Although maintaining an open investment climate in information and communications technology, and in the United States economy more generally, is important for the overall growth and prosperity of the United States, such openness must be balanced by the need to protect our country against critical national security threats. To deal with this threat, additional steps are required to protect the security, integrity, and reliability of information and communications technology and services provided and used in the United States. In light of these findings, I hereby declare a national emergency with respect to this threat.

Accordingly, it is hereby ordered as follows:

Section 1. *Implementation.* (a) The following actions are prohibited: any acquisition, importation, transfer, installation, dealing in, or use of any information and communications technology or service (transaction) by any person, or with respect to any property, subject to the jurisdiction of the United States, where the transaction involves any property in which any foreign country or a national thereof has any interest (including through an interest in a contract for the provision of the technology or service), where the transaction was initiated, is pending, or will be completed after the date of this order, and where the Secretary of Commerce (Secretary), in consultation with the Secretary of the Treasury, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the United States Trade Representative, the Director of National Intelligence, the Administrator of General Services, the Chairman of the Federal Communications Commission, and, as appropriate, the heads of other executive departments and agencies (agencies), has determined that:

(i) the transaction involves information and communications technology or services designed, developed, manufactured, or supplied, by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary; and

(ii) the transaction:

(A) poses an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of information and communications technology or services in the United States;

(B) poses an undue risk of catastrophic effects on the security or resiliency of United States critical infrastructure or the digital economy of the United States; or

(C) otherwise poses an unacceptable risk to the national security of the United States or the security and safety of United States persons.

(b) The Secretary, in consultation with the heads of other agencies as appropriate, may at the Secretary's discretion design or negotiate measures to mitigate concerns identified under section 1(a) of this order. Such measures may serve as a precondition to the approval of a transaction or of a class of transactions that would otherwise be prohibited pursuant to this order.

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

Sec. 2. *Authorities.* (a) The Secretary, in consultation with, or upon referral of a particular transaction from, the heads of other agencies as appropriate, is hereby authorized to take such actions, including directing the timing and manner of the cessation of transactions prohibited pursuant to section 1 of this order, adopting appropriate rules and regulations, and employing all other powers granted to the President by IEEPA, as may be necessary to implement this order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order.

(b) Rules and regulations issued pursuant to this order may, among other things, determine that particular countries or persons are foreign adversaries for the purposes of this order; identify persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries for the purposes of this order; identify particular technologies or countries with respect to which transactions involving information and communications technology or services warrant particular scrutiny under the provisions of this order; establish procedures to license transactions otherwise prohibited pursuant to this order; establish criteria, consistent with section 1 of this order, by which particular technologies or particular participants in the market for information and communications technology or services may be recognized as categorically included in or as categorically excluded from the prohibitions established by this order; and identify a mechanism and relevant factors for the negotiation of agreements to mitigate concerns raised in connection with subsection 1(a) of this order. Within 150 days of the date of this order, the Secretary, in consultation with the Secretary of the Treasury, Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the United States Trade Representative, the Director of National Intelligence, the Administrator of General Services, the Chairman of the Federal Communications Commission and, as appropriate, the heads of other agencies, shall publish rules or regulations implementing the authorities delegated to the Secretary by this order.

(c) The Secretary may, consistent with applicable law, redelegate any of the authorities conferred on the Secretary pursuant to this section within the Department of Commerce.

Sec. 3. *Definitions.* For purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''foreign adversary'' means any foreign government or foreign non-government person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons;

(c) the term ''information and communications technology or services'' means any hardware, software, or other product or service primarily intended to fulfill or enable the function of information or data processing, storage, retrieval, or communication by electronic means, including transmission, storage, and display;

(d) the term ''person'' means an individual or entity; and

(e) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. Recurring and Final Reports to the Congress. The Secretary, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 5. *Assessments and Reports.* (a) The Director of National Intelligence shall continue to assess threats to the United States and its people from information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. The Director of National Intelligence shall produce periodic written assessments of these threats in consultation with the heads of relevant agencies, and shall provide these assessments to the President, the Secretary for the Secretary's use in connection with his responsibilities pursuant to this order, and the heads of other agencies as appropriate. An initial assessment shall be completed within 40 days of the date of this order, and further assessments shall be completed at least annually, and shall include analysis of:

(i) threats enabled by information and communications technologies or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary; and

(ii) threats to the United States Government, United States critical infrastructure, and United States entities from information and communications technologies or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the influence of a foreign adversary.

(b) The Secretary of Homeland Security shall continue to assess and identify entities, hardware, software, and services that present vulnerabilities in the United States and that pose the greatest potential consequences to the national security of the United States. The Secretary of Homeland Security, in coordination with sector-specific agencies and coordinating councils as appropriate, shall produce a written assessment within 80 days of the date of this order, and annually thereafter. This assessment shall include an evaluation of hardware, software, or services that are relied upon by multiple information and communications technology or service providers, including the communication services relied upon by critical infrastructure entities identified pursuant to section 9 of Executive Order 13636 of February 12, 2013 (Improving Critical Infrastructure Cybersecurity).

(c) Within 1 year of the date of this order, and annually thereafter, the Secretary, in consultation as appropriate with the Secretary of the Treasury, the Secretary of Homeland Security, Secretary of State, the Secretary of Defense, the Attorney General, the United States Trade Representative, the

Director of National Intelligence, and the Chairman of the Federal Communications Commission, shall assess and report to the President whether the actions taken by the Secretary pursuant to this order are sufficient and continue to be necessary to mitigate the risks identified in, and pursuant to, this order.

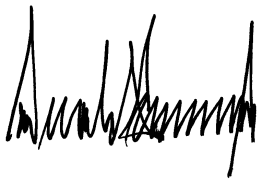
Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
May 15, 2019.

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