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FEDERAL REGISTER

Vol. 84 Monday,

No. 150 August 5, 2019

Pages 37955–38114

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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Memorandum of July 19, 2019

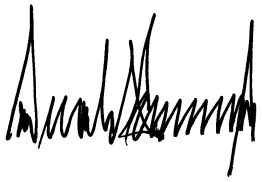
Delegation of Authority Under the Asia Reassurance Initiative Act of 2018

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

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 vested in the President by section 306(a)(1) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) with respect to establishing a comprehensive Indo-Pacific Energy Strategy, which shall be done with the concurrence of the Secretary of Energy.

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

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



THE WHITE HOUSE,
Washington, July 19, 2019

[FR Doc. 2019–16863
Filed 8–2–19; 11:15 am]
Billing code 4710–10–P

Rules and Regulations

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0255; Product Identifier 2019–NM–018–AD; Amendment 39–19687; AD 2019–14–09]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A330–200 Freighter series airplanes. This AD was prompted by reports of cracked flexible hoses of the oxygen crew and courier distribution system (OCCDS) on A330 freighter airplanes. This AD requires repetitive detailed inspections, including functional testing, of the OCCDS and replacement of affected part(s) if necessary, as specified in a European Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 9, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 9, 2019.

ADDRESSES: For the material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0255.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0255; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A330–200 Freighter series airplanes. The NPRM published in the **Federal Register** on May 7, 2019 (84 FR 19891). The NPRM was prompted by reports of cracked flexible hoses of the OCCDS on A330 freighter airplanes. The NPRM proposed to require repetitive detailed inspections, including functional testing, of the OCCDS and replacement of affected part(s) if necessary.

The FAA is issuing this AD to address cracked oxygen hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with in-flight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could result in crew injury and reduced control of the airplane.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0027, dated February 4, 2019 (''EASA AD 2019–0027'') (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 Freighter series airplanes. The MCAI states:

> Several occurrences were reported of finding cracked flexible hoses [part number] P/N 32209-series of the OCCDS on A330 freighter aeroplanes. These flexible hoses are steel braided hoses with polyurethane (PUR) inner tubes and steel inner springs. On A330 freighter aeroplanes, these hoses are located in the courier area and are not pressurized during normal operation.
>
> This condition, if not detected and corrected, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with in-flight depressurization, smoke in cockpit or smoke evacuation procedure, could possibly result in cockpit crew injury and reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued the SB [service bulletin] to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires repetitive detailed inspections (DET), including functional testing, of the OCCDS and, depending on findings, replacement of affected part(s).

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0255.

Comments

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

Conclusion

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

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

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0027 describes procedures for repetitive inspections and replacement of OCCDS flexible

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

Costs of Compliance

The FAA estimates that this AD affects 5 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
14 work-hours × $85 per hour = $1,190	$0	$1,190	$5,950

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–14–09 Airbus SAS: Amendment 39–19687; Docket No. FAA–2019–0255; Product Identifier 2019–NM–018–AD.

(a) Effective Date

This AD is effective September 9, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A330–223F and –243F airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracked flexible hoses of the oxygen crew and courier distribution system (OCCDS) on A330 freighter airplanes. The FAA is issuing this AD to address cracked oxygen hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with in-flight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could result in crew injury and reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (EASA) AD 2019–0027, dated February 4, 2019 (''EASA AD 2019–0027'').

(h) Exceptions to EASA AD 2019–0027

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0027 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0027 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved

by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2019–0027 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

(k) Material Incorporated by Reference

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

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

(i) European Aviation Safety Agency (EASA) AD 2019–0027, dated February 4, 2019.

(ii) [Reserved]

(3) For EASA AD 2019–0027, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this EASA AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. EASA AD 2019–0027 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0255.

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

Issued in Des Moines, Washington, on July 18, 2019.

Suzanne Masterson,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–16701 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0203; Product Identifier 2018–CE–052–AD; Amendment 39–19689; AD 2019–14–11]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Diamond Aircraft Industries GmbH Model DA 42 NG and Model DA 42 M–NG airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The unsafe condition in the MCAI is insufficient clearance of the gust lock mounts on the pilot side rudder pedals. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 9, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 9, 2019.

ADDRESSES: For service information identified in this final rule, contact Diamond Aircraft Industries GmbH, N.A. Otto-Straße 5, A–2700 Wiener Neustadt, Austria, telephone: +43 2622 26700; fax: +43 2622 26780; email: *office@diamond-air.at;* internet: *http://www.diamondaircraft.com.* You may view this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for Docket No. FAA–2019–0203.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0203; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M 30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Diamond Aircraft Industries GmbH Model DA 42 NG and Model DA 42 M–NG airplanes. The NPRM published in the **Federal Register** on April 2, 2019 (84 FR 12532). The NPRM proposed to require removing the left-hand pilot rudder pedal gust lock mounts and revising the airplane flight manual. The NPRM was based on MCAI originated by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. The MCAI states:

> During production check-out of two DA 42 NG aeroplanes, it was noticed that, with the adjustable rudder pedals in full forward position, the gust lock mounts slightly touched the canopy gas spring damper. The subsequent investigation found that this was due to an unfavourable combination of production tolerances on these two aeroplanes. [Diamond Aircraft Industries GmbH] DAI determined that other aeroplanes of the same build standard (configuration) may also be affected.
>
> This condition, if not corrected, could lead to restricted rudder travel, possibly resulting in reduced control of the aeroplane.
>
> Prompted by these findings, DAI published the [mandatory service bulletin] MSB, providing modification instructions to remove the gust lock mounts on the pilot (left-hand, LH) side rudder pedals to ensure sufficient clearance, regardless of production tolerances and rudder pedal position.
>
> For the reason described above, this [EASA] AD requires implementation of a temporary revision (TR) to the applicable Airplane Flight Manual (AFM) and a modification, removing the pilot (LH) side rudder pedal gust lock mounts.

The MCAI can be found in the AD docket on the internet at *https://www.regulations.gov/document?D=FAA-2019-0203-0002.*

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no

comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Diamond Aircraft Temporary Revision TR–MÄM 42–1097 Gustlock on Co-Pilot Side only, Doc. #7.01.15–E, dated July 18, 2018 (TR–MAM 42–1097), which contains amended figures related to the gust lock belt. The FAA also reviewed Diamond Aircraft Industries GmbH Work Instruction WI–MSB 42NG–077, dated August 20, 2018, which contains procedures for removing the pilot (LH) side rudder pedal gust lock mounts and specifies inserting a copy of TR–MAM 42–1097 into the AFM. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed Diamond Mandatory Service Bulletin MSB 42NG–077, dated August 20, 2018, which specifies complying with the most recent issue of Work Instruction WI–MSB 42NG–077.

Costs of Compliance

The FAA estimates that this AD will affect 53 products of U.S. registry. The FAA also estimates that it will take about 1 work-hour per product to comply with the removal of the pilot side rudder pedal gust lock mounts and to insert copy of TR–MAM 42–1097 into the AFM. The average labor rate is $85 per work-hour. Required parts will cost about $10 per product.

Based on these figures, the FAA estimates the cost of this AD on U.S. operators to be $5,035, or $95 per product.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–14–11 Diamond Aircraft Industries GmbH: Amendment 39–19689; Docket No. FAA–2019–0203; Product Identifier 2018–CE–052–AD.

(a) Effective Date

This AD is effective September 9, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Diamond Aircraft Industries GmbH (Diamond) Model DA 42 NG and Model DA 42 M–NG airplanes, serial numbers 42.N202, 42.N203, 42.N205 through 42.N207, 42.N210 through 42.N214, 42.N229 through 42.N338, 42.N340, 42.MN055, 42.MN057, and 42.MN058, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The unsafe condition reported by the MCAI is insufficient clearance of the gust lock mounts on the pilot side rudder pedals. The FAA is issuing this AD to prevent restricted rudder travel, which could result in reduced control of the airplane.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (2) of this AD.

(1) Within the next 100 hours time-in-service after September 9, 2019 (the effective date of this AD):

(i) Remove the pilot (left-hand) side rudder pedal gust lock mounts in accordance with steps 1 through 5 of the Instructions in Diamond Aircraft Industries GmbH Work Instruction WI–MSB 42NG–077, dated August 20, 2018.

(ii) Revise the airplane flight manual (AFM) by adding the figures on page 8–11a of Diamond Aircraft Temporary Revision TR–MÄM 42–1097 Gustlock on Co-Pilot Side only, Doc. #7.01.15–E, dated July 18, 2018, into Chapter 8 of the AFM.

(2) As of September 9, 2019 (the effective date of this AD), do not install on any airplane a pilot (left-hand) side rudder pedal gust lock mount.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight

Standards District Office (FSDO), or lacking a PI, your local FSDO.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2018–0214, dated October 4, 2018; and Diamond Mandatory Service Bulletin MSB 42NG–077, dated August 20, 2018, for related information. You may examine the MCAI on the internet at *https://www.regulations.gov/document?D=FAA-2019-0203-0002.* Service information related to this final rule is available at the address in paragraph (i)(3) of this AD.

(i) Material Incorporated by Reference

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

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

(i) Diamond Aircraft Industries GmbH Work Instruction WI–MSB 42NG–077, dated August 20, 2018.

(ii) Diamond Aircraft Temporary Revision TR–MÄM 42–1097 Gustlock on Co-Pilot Side only, Doc. #7.01.15–E, dated July 18, 2018.

(3) For Diamond Aircraft Industries GmbH service information identified in this AD, contact Diamond Aircraft Industries GmbH, N.A. Otto-Straße 5, A–2700 Wiener Neustadt, Austria, telephone: +43 2622 26700; fax: +43 2622 26780; email: *office@diamond-air.at;* internet: *http://www.diamondaircraft.com.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on July 19, 2019.

Melvin J. Johnson,

Aircraft Certification Service, Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2019–16573 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0310; Airspace Docket No. 19–ACE–7]

RIN 2120–AA66

Amendment of Class E Airspace; Forest City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Forest City Municipal Airport, Forest City, IA. This action is due to an airspace review caused by the decommissioning of the Forest City non-directional beacon (NDB), which provided navigation information to the instrument procedures at this airport. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, October 10, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Forest City Municipal Airport, Forest City, IA, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 22078; May 16, 2019) for Docket No. FAA–2019–0310 to amend the Class E airspace extending upward from 700 feet above the surface at Forest City Municipal Airport, Forest City, IA. 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 amending the Class E airspace extending upward from 700 feet above the surface to within a 7-mile radius (increased from a 6.9-mile radius) of Forest City Municipal Airport, Forest City, IA; removing the Forest City NDB and the associated extension from the

airspace legal description; and adding an extension 4 miles each side of the 335° bearing from the airport extending from the 7-mile radius to 10.6 miles northwest of the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 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 Forest City, IA [Amended]

Forest City Municipal Airport, IA
(Lat. 43°14′05″ N, long. 93°37′27″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Forest City Municipal Airport, and within 4 miles each side of the 335° bearing from the airport extending from the 7-mile radius to 10.6 miles northwest of the airport.

Issued in Fort Worth, Texas, on July 29, 2019.

John A. Witucki,

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

[FR Doc. 2019–16606 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2002–0001; FRL–9997–65–Region 2]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Deletion of the Ellenville Scrap Iron and Metal Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 is publishing a direct final notice of deletion of the Ellenville Scrap Iron and Metal Superfund Site, located in the Village of Ellenville, Town of Wawarsing, Ulster County, New York, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of New York, through the New York State Department of Environmental Conservation (NYSDEC), because EPA has determined that all appropriate response actions under CERCLA, other operation and maintenance, monitoring, and five-year reviews, have been completed. However, this deletion does not preclude future response actions under Superfund.

DATES: This direct final deletion is effective on September 24, 2019 unless EPA receives adverse comments by September 4, 2019. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion the **Federal Register** (**FR**) informing the public that deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–2002–0001, by one of the following methods:

- *https://www.regulations.gov.* Follow online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the web page. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information for which disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission *(i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, 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.*
- *Email: duda.damian@epa.gov.*
- *Mail:* Damian J. Duda, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866.
- *Hand Delivery:* EPA, Region 2, Superfund Records Center, 290 Broadway, 18th Floor, New Yok New York 10007–1866 (telephone: 212–637–4308). Such deliveries are only accepted during the Docket's normal hours of operation (Monday through Friday from 9 a.m. to 5 p.m.) and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–2002–0001. 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. The *https://www.regulations.gov* website is an ''anonymous access'' system, which means 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 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, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment because of technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at: USEPA—Region II, Superfund Records Center, 290 Broadway, 18th Floor, New York, New York 10007–1866, (212) 637–4308, Hours: Monday–Friday: 9 a.m. to 5 p.m.

Information on the Site is also available for viewing at the Site Administrative Record repository located at: Ellenville Public Library, 40 Center Street, Village of Ellenville, New York 12428, Telephone: (845) 647–5530, Hours: Monday–Thursday: 9:30 a.m. to 8 p.m., Friday: 9:30 a.m. to 3 p.m., Saturday: 9:30 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Damian J. Duda, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866, email: *duda.damian@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region 2 is publishing this direct final Notice of Deletion of the Ellenville Scrap Iron and Metal Site (Site) from the NPL. The NPL constitutes Appendix B of 40 CFR part 300, which is the NCP, which EPA promulgated pursuant to Section 105 of CERCLA, as amended. EPA maintains the NPL as the list of releases that appear to present a significant risk to public health, welfare, or the environment. The releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund. As described in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remains eligible for Fund-financed response action if future conditions at the sites warrant such actions.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other parties have implemented all appropriate response actions required;

ii. All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

iii. The remedial investigation (RI) has shown that the release of hazardous substances poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA Section 121(c) and the NCP, EPA conducts five-year reviews (FYRs) to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that would otherwise allow for unlimited use and unrestricted exposure. EPA conducts such FYR even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion of the Site:

(1) EPA consulted with the State of New York (NYS) prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete also published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the State with 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the State, through NYSDEC, has concurred on the deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, the *Shawangunk Journ*al, and on the *Midhudsonnews.com* website. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and will continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not, in any way, alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA's management of sites. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for further response

actions should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Ellenville Site (CERCLIS ID NYSFN0204190) is a 24-acre parcel where a former scrap iron and metal reclamation facility operated, and the former facility is configured with an upper and lower plateau. The Site is bound to the north by Cape Avenue, to the south and west by the Beer Kill, and, to the east by residential properties. The Site also includes select residential properties in the vicinity, located on Cape Avenue and River Street in the Village of Ellenville, Town of Wawarsing, Ulster County, New York. Approximately 10 acres of the Site were used for a variety of scrap metal operations and battery reclamation. Approximately 4000 people, relying on both public and private drinking water supplies, live in the Village of Ellenville.

At the time of its operations, the Site included an office building, a truck scale, a hydraulic baling machine used for metal cans and other small parts, abandoned automobiles and trucks, scrap metal piles, railroad ties, storage of automobile batteries, emptied battery casings, abandoned tires, and assorted brush piles. Deteriorated drums were also found scattered throughout the Site property. An existing landfill embankment, approximately 40 feet in height, runs in a crescent along a northwesterly to southeasterly axis bisecting and dividing the Site into two plateaus, the upper and the lower. The landfill is composed of construction and demolition debris, including a variety of finely shredded wastes, scrap brick, concrete, wood, and other metal-type debris. A Cape Avenue residential property, directly east of the entrance to the Site, was formerly part of the facility and was used for the storage and disposal of heavy equipment, as well as for the disposal of automobile battery casings.

Lead, polychlorinated biphenyls (PCBs), antimony, cadmium, and hydrogen sulfide are the contaminants of potential health concern associated with this Site. On-site soils and groundwater were contaminated with lead. Soils at nearby residential properties were contaminated with lead at levels that exceed EPA's threshold of a lead hazard in soils. These soil samples revealed detections above both background and noncancer health comparison values for antimony and cadmium and above background but below noncancer health comparison values for arsenic, barium, chromium, cobalt, copper, manganese, mercury, nickel, selenium, silver and zinc. Soils at the former facility and nearby residential areas were contaminated with PCB mixtures (Aroclors) above cancer and noncancer health comparison values.

The Site was proposed to the NPL on September 13, 2001, **Federal Register** (66 *FR* 47612). The Site was included on the NPL on Thursday, September 5, 2002, **Federal Register** (67 *FR* 56757). The effective date was October 7, 2002.

Area residents had complained about odors from the Site, stemming from hydrogen sulfide and other compounds released from the decomposition of the construction and demolition debris at the Site. Four sediment samples from the nearby Beer Kill did not contain Site-related contaminants at a level of concern. Groundwater from the seven monitoring wells at the Site was contaminated with lead, cadmium, manganese, nickel, iron and tetrachloroethene at or above drinking water standards. However, adjacent residences are connected to the public water supply, and any private wells down-gradient and across the Beer Kill do not show any Site-related contaminants at concentrations of concern. An up-gradient monitoring well did not contain any site-related contamination.

Completed off-site exposure pathways include contact with contaminated soils and breathing contaminated ambient air. The completed soil pathway is dermal contact and incidental ingestion of metals (*i.e.,* lead, antimony and cadmium) or PCB-contaminated soil from five nearby residential yards. The completed air pathway is the inhalation of odor-producing gases from the site in the past (*e.g.,* hydrogen sulfide). Nearby residents were exposed in the past to Site-related contaminants, especially lead and PCBs, in their yards. The soil in the yards of three nearby properties showed levels of lead that exceeded the US EPA's definition of a lead hazard in soils. Additionally, the adjacent residence on Cape Avenue showed levels of lead up to 230,000 mg/kg in the surface soil prior to EPA's removal action. Based on these data and the Agency for Toxic Substances and Disease Registry's public health hazard consultation, the Site represented a public health hazard.

In June 2000, at the request of NYSDEC, EPA Region 2 and its Superfund Technical Assessment and Response Team contractors conducted a sampling event at the facility property and adjacent residential properties as part of the EPA Superfund Preliminary Assessment/Site Inspection process. Surface soil samples were collected throughout the facility property and at several adjacent residential properties. Sediments and surface water samples were also collected along the Beer Kill, the adjacent stream to the Site. Samples were also collected from a minor amount of ponded leachate emanating from a small area of the landfill embankment at the Site. Analytical results from the June 2000 samples indicated contamination in surface soils, as well as in the Beer Kill. Because the Beer Kill is used by recreational fishermen and also discharges into two fisheries, a Hazard Ranking System evaluation for the Site's inclusion on the NPL resulted in the Site being proposed for and included on the NPL.

As discussed above, battery reclamation and disposal activities conducted at the Site on the adjacent Cape Avenue residential property also resulted in lead contamination of its residential soils. Further EPA sampling indicated that the lead contamination extended across the entire adjacent property, as well as into the face of an embankment that extended out from the rear of that property.

In June 2004, EPA conducted a removal assessment at the adjacent residential property. In November and December 2004, EPA implemented a removal action and excavated 8200 square feet of contaminated soils from the residential yard and from a portion of the surface of the embankment. EPA disposed of all hazardous materials at off-site permitted facilities. The excavated area of the residential yard was covered and secured with geotextile fabric, backfilled, and replanted with sod. EPA also installed silt fencing at the base of the embankment to curtail any further erosion into the adjacent area.

The June 2004 removal assessment also included sampling 20 deteriorating and leaking drums, as well as an aboveground tank. The analytical results indicated that the drums contained various hazardous substances, including volatile organic compounds (VOCs) (benzene and ethylbenzene), semi-volatile compounds (SVOCs) (anthracene and pyrene) and pesticides (lindane and DDT). These materials were contained and disposed of at off-site permitted facilities.

During the Summer and Fall of 2005, EPA performed further cleanup actions at the Site in preparation for the continued RI field activities, including the following: (1) Clearing, grading and

stabilizing the Site support area; (2) characterization and off-site disposal of the various debris piles located throughout the Site property, including tires, battery casings, wood pallets, and concrete and construction debris; (3) characterization of the various remaining scrap iron and steel found on the Site, as well as the abandoned dumpsters, cars, trucks, baling, metal shearing and compactor units located on the Site; (4) dismantling and preparing these materials and equipment for recycling and/or for sale as scrap; (5) testing and disposal of any localized contaminated soils associated with the cleanup of the various debris piles and the metal-processing equipment at approved, regulated facilities; (6) demolishing all extant Site structures; and (7) the use of some of the crushed concrete materials and shredded wooden pallets as grading materials for areas of the Site.

Remedial Investigation and Feasibility Study (RI/FS)

During 2007–2008, the RI was performed to define the nature and extent of contamination at the Site. During the RI, the affected media that were investigated included surface and subsurface soils, groundwater, surface water, sediments, landfill leachate, and soil gas. EPA also conducted additional groundwater sampling in 2009 and 2010.

In summary, a human health risk assessment was conducted, and, as a result, EPA concluded that metals, polyaromatic hydrocarbons (PAHs), pesticides and PCBs in soils and leachate found at the Site contributed to unacceptable risks and hazards to on-site trespassers, construction/utility workers, on-site recreational users, and on-site future residents. There were also unacceptable hazards for off-property residents from metals, especially lead. In addition, exposure to groundwater for future on-site residents exceeded the acceptable risk range for two metals, arsenic and chromium.

A screening-level ecological risk assessment was conducted to evaluate the potential for ecological effects from exposure to surface soils, leachate, groundwater discharging to sediment and surface water, and surface water and sediment from the Beer Kill. In this assessment, EPA concluded that there was a potential for adverse effects to terrestrial plants and soil invertebrates from direct exposure to chemicals in soils and sediments at the Site.

Off-site soils were sampled to determine background concentrations in native soils not impacted by Site operations. In general, the Site soils have been impacted by historic operations as evidenced by the type and distribution of contaminants in the area of the landfill, in the area of the former large debris piles at the base of the landfill and along a drainage channel to the southeast of the landfill.

Both surface and subsurface test pits (10 performed) and direct-push borings (30 performed) soil samples show concentrations of SVOCs, pesticides, PCBs and various metal concentrations above cleanup objectives. In addition, VOC concentrations were detected in some fill materials, as well as in subsurface soils of the landfill. The highest results for PCBs, several PAHs and SVOCS that were detected during the RI were on the lower plateau of the Site. Metals in surface and subsurface soils, including zinc, lead, copper, chromium, cadmium, mercury and nickel, exceeded soil cleanup objectives.

Previous EPA residential investigations documented the presence of high lead concentrations in deeper surface soils (> 12 inches) at the Cape Avenue residential property portion of the Site where the batteries had been stored and reclaimed. As part of EPA's June 2004 Removal Assessment, additional sampling was performed at this location to delineate further the extent of lead contamination. During the RI, surface and subsurface soil samples at depths of 0 to 6 inches and 6 to 24 inches were collected from locations on several residential properties to the south and southeast of the former facility property. PAHs, pesticides and lead, among other metals, were detected.

Groundwater samples were collected during the RI. No general plume of any group of constituents has been observed, but only localized low-level impacts and somewhat random exceedances have been shown.

During the FS, the Site was divided into six areas of concern (AOCs) that facilitated the development and evaluation of remedial alternatives, based on the nature and extent of contamination. The contaminants identified in the six AOCs are described below:

- AOC 1—Landfill Area—VOCs, SVOCs, metals, PCBs and pesticides were detected in the soils within this area at concentrations greater than the NYS Restricted Use Soil Cleanup Objectives for residential properties (RSCOs—Residential).
- AOC 2—Debris Pile Area—SVOCs, metals, PCBs and pesticides were detected in the soils within the area at concentrations greater than the RSCOs—Residential.
- AOC 3—Dumpster Staging Area—VOCs, metals and PCBs were detected in the soils within this area at concentrations greater than the RSCOs—Residential.
- AOC 4—Scattered Debris Area—Metals were detected in the soils at one location within this area at concentrations greater than the RSCOs—Residential.
- AOC 5—Battery Disposal Area—Metals and PCBs were detected in the soils within this area at concentrations greater than the RSCOs—Residential.
- AOC 6—Residential Properties Area—SVOCs and metals were detected in the soils within the area at concentrations greater than the RSCOs—Residential.

Selected Remedy

The following Remedial Action Objectives were established for the Site:

Groundwater

☐ Prevent ingestion of groundwater with contaminant concentrations greater than state water quality standards.

☐ Restore groundwater contaminant concentrations to less than state water quality standards.

☐ Prevent discharge of groundwater with contaminant concentrations greater than state water quality standards to adjacent surface water, *i.e.,* Beer Kill.

Soils

☐ Prevent ingestion/direct contact to soils with contaminant concentrations greater than state residential soil cleanup objectives.

☐ Prevent inhalation of soil dust with contaminant concentrations greater than state residential soil cleanup objectives.

☐ Prevent migration of soils with contaminant concentrations greater than state residential soil cleanup objectives.

☐ Prevent or minimize impacts to groundwater and/or surface water resulting from soil contamination with concentrations greater than state residential soil cleanup objectives.

Solid Wastes

☐ Prevent ingestion/direct contact with solid wastes with contaminant concentrations greater than state residential soil cleanup objectives.

☐ Prevent migration of solid wastes with contaminant concentrations greater than state residential soil cleanup objectives.

☐ Prevent or minimize impacts to groundwater and/or surface water resulting from solid wastes with concentrations greater than state residential soil cleanup objectives.

Leachate

☐ Prevent ingestion of leachate with contaminant concentrations greater than state water quality standards.

☐ Prevent migration of leachate with contaminant concentrations greater than state water quality standards.

Air

☐ Prevent exposure to or inhalation of volatilized contaminants from the solid wastes.

☐ Prevent migration of landfill gas generated by the decomposition of solid waste.

The major components of the selected remedy of the September 2010 Record of Decision are as follows:

☐ Excavation of selected contaminated soils in six AOCs (AOCs 1–6), which include residential properties adjacent to the former facility property where contaminants in the surface soils exceed the cleanup criteria;

☐ Backfilling of the excavated areas with clean fill;

☐ Consolidation of the excavated soils from AOCs 1–6 on the upper and central portion of the Site;

☐ Installation of a landfill cap system which meets the substantive requirements of NYS Part 360 regulations over the existing landfill and the consolidated soils, including long-term groundwater monitoring; and,

☐ Development of a Site Management Plan (SMP), in accordance with NYS landfill closure requirements, that would include (1) long-term groundwater monitoring, (2) engineering controls (ECs) with an operation and maintenance (O&M) plan, which may include periodic reviews and/or certifications and (3) a plan for implementing institutional controls (ICs).

EPA determined that an active groundwater remedy for the Site was not required because of the following: (1) Limited groundwater contamination (both inorganic and organic) underlies the Site, (2) the isolated, low levels of contamination in the groundwater do not appear to be mobile and show no threat of migration nor significant, area-wide impact on Site groundwater, (3) there is no clearly defined inorganic plume in the Site groundwater; (4) comprehensive groundwater monitoring program would be implemented as part of the selected remedy; and (5) the soil and groundwater data and the current hydrogeologic information at the Site indicate that the fill material in the landfill proper is located above the water table.

Response Actions

Upon the selection of the remedy on September 30, 2010, EPA began the preliminary design investigation (PDI) to fill any data gaps in the soil data that were necessary to complete an effective remedial design (RD) for the Site. The collection of soils data served both to delineate further the nature and extent of contamination at the Site and to provide sample results and post-excavation limits for construction purposes. This eliminated the need for confirmatory sampling post-excavation. The final PDI Report was issued in March 2011.

The Remedial Action (RA) Work Plan was completed in May 2011. As identified in the September 2010 ROD, RA activities included the excavation of contaminated soils in the six AOCs, consolidation of non-hazardous excavated soils within the final landfill footprint, transport and off-site disposal of hazardous materials, installation of a landfill cap system and restoration of all disturbed areas. The Site also includes adjacent residential properties where contaminants in the surface soils exceeded the NYS soil cleanup criteria.

Based on the RI and previous investigation findings, the PDI was conducted in October-November 2010 to fill gaps in soil data necessary to complete an effective RD, as well as to provide confirmatory post-excavation sample results required to complete the remedial construction. A second phase of the PDI was conducted in February 2011 to collect samples from the residential areas after securing necessary access. To minimize the total number of samples to be collected during the PDI, pre-defined excavation areas of various depths were identified to develop the conceptual sampling plan. The areas were developed based on existing investigation results, Site history, aerial photographs, and observations made during Site visits.

During April and May 2011, pre-construction activities were performed. The Site was cleared and grubbed with erosion and sediment control measures implemented. All spoils from grubbing operations were consolidated within the landfill cap area. The major construction activities for this part of the overall project were excavation, backfilling and materials handling, primarily of soils. Excavations used conventional earthmoving equipment, including a hydraulic excavator. The overall depths of excavation varied from a minimum of about one foot up to a maximum depth of 11 feet.

On May 6, 2011, formal construction activities began with the major excavation work. Work progressed from the entrance to the southeast and along the south and the western part of the lower plateau. Concurrently, a separate field crew and equipment were mobilized and were dedicated to the remediation of the residential properties. During the remediation of the Site, several different waste streams were generated and were either consolidated within the landfill cap area or disposed of off-site.

Backfill and compaction of excavation areas were performed. Uncontaminated excavated soils were used for backfilling in excavated areas to the fullest extent possible. Imported clean fill was also necessary to complete the backfill of all excavated areas. This action consisted of ''rolling-out'' the excavated materials and ''rolling-in'' the clean backfill materials.

Concurrent with the consolidation of excavated soils (from both the former facility property and the residential properties), the landfill area was prepared for capping. Construction proceeded from the northwest (near the staging area) to the southeast.

Construction of the landfill subgrade consisted of the rough grading of the consolidated materials excavated from the AOCs, including tree stumps and acceptable demolition debris. To further protect the subsequent geocomposite and geomembrane installations, a 6-inch layer of select fill (free of any large, angular stones and finely graded) was imported to the Site and placed over the rough graded landfill subgrade. The landfill subgrade has a 3-to-1 maximum slope on the side slopes and a five percent minimum slope on the top.

An anchor trench around the perimeter of the landfill footprint was excavated upon completion of the landfill subgrade that extends two feet beyond the limits of the landfill waste and anchors the geocomposite and geomembrane layers of the landfill cap. The excavated trench soils were also incorporated under the landfill cap, and clean, imported fill was utilized to backfill the anchor trench. Each area of the subgrade layer was approved prior to further installation of each subsequent layer in order to expedite the installation of the double-sided gas vent geocomposite. Installation of this geocomposite layer proceeded as more areas of the subgrade were fine-graded, approved and released. The geocomposite drainage layer was accomplished in similar fashion with approval of the high-density polyethylene (HDPE) geomembrane in advance. The subsequent geocomposite layers were installed in similar fashion, with each roll being unrolled down

slope, keeping the geocomposite in slight tension to minimize wrinkles and folds.

The HDPE geomembrane liner was placed over the top of the gas vent geocomposite layer and has a nominal thickness of 60-mil (0.06 inches) and the physical properties indicated in the project specifications. The geomembrane extends down the front wall and across the bottom of the anchor trench and is secured in place from uplift by wind by using adequate ballast (*i.e.,* sandbags). Geomembrane seams were installed parallel to the line of the maximum slope. The ''as-built'' documentation indicates the repair/patch locations and the field seam destruct sample testing locations. Prior to covering the geomembrane with the geocomposite drainage layer, the geomembrane seams and non-seam areas were visually inspected for defects, holes or damage as a result of weather conditions or construction activities. The deployed and seamed geomembrane was covered with the required geocomposite drainage layer material.

The barrier protection layer material is comprised of select fill, in accordance with the design specifications, and consists of a completed 24-inch compacted depth. This compacted depth was accomplished by placing an initial 12-inch loose fill lift. This initial lift served as protection for the geocomposite and geomembrane layers from equipment utilized to place and compact the barrier protection layer. Grading conformed to the Final Grading Plan minus six inches for the subsequent topsoil layer installation.

The final layer of the landfill cap consists of a six-inch compacted lift of topsoil which was stabilized with erosion control blankets and reinforced matting. Upon completion of the installation of soil stabilizing measures, the entire landfill cap area was hydroseeded with a seed mix to promote good vegetative growth.

In summary, Site restoration activities included the installation of topsoil, slope stabilization materials, hydroseeding and landfill infrastructure items, including installation of the riprap channels and the storm water basin, chain-link fencing, and the stabilization of the east access road. Riprap channels were lined with a 12-ounce geotextile. The construction of the riprap channels proceeded from the high point of the channels, at the north end of the landfill, to the low point of the channels at south end of the landfill, where they discharged to the storm water basin. Gabion baskets were also installed at certain locations in the drainage swales to prevent washouts. The storm water basin was excavated and graded, as necessary, and did not receive any topsoil cover or seed.

Close attention was given to the remedial activities conducted on the three residential properties, ensuring that these activities, especially those adjacent to building structures, driveways, walkways and residential utilities, were performed in a manner that closely monitored the excavation, backfilling and compaction activities in these areas. Additional excavation work was performed on the adjacent Cape Avenue property in the area identified as the battery casing wall, because the majority of the battery casings were found here. After excavation and backfilling of the affected residential areas, including the battery slope behind the adjacent Cape Avenue property, affected areas topsoil was placed on the clean, backfill soils and then hydroseeded with straw matting in place to ensure good grass growth.

Restoration and expansion of an on-site wetland were also performed with the installation of clay matting and a number of wetlands plantings to replace wetlands affected by the installation of the landfill cap. Seven additional monitoring wells were also installed in both the bedrock and the overburden in order to conform to the NYS requirements regarding the landfill cap installation.

The final restoration of the permanent north and east access roads ensured compliance with the grades and contours as shown on the as-built drawings. Similar to the riprap swales, these 12-inch thick gravel access roads were constructed atop a layer of 12-ounce geotextile fabric. A six-foot high permanent chain link fence, with posts and gates, was installed around the entire perimeter of the newly constructed landfill cap area, including the north access road, the staging area and the storm water basin.

New tree seedlings and assorted bushes were also installed at various locations on the adjacent Cape Avenue property as a replacement for the trees removed during the clearing phase of the project.

On August 28, 2011, Hurricane Irene affected the Site. Actions associated with restoring areas affected by the hurricane included restoration and stabilization of the hill (the battery-excavation area) located at the aforesaid Cape Avenue residential property.

On September 28, 2011, a final inspection of the Site was conducted. The Site was deemed construction complete on September 30, 2011.

Verification of Cleanup Levels

The remedy discussed herein has been implemented and constructed in accordance with all EPA and NYS-approved RD documents, which include the Design Analysis Report, construction drawings and technical specifications. These documents also substantially comply with the Parts 360 and 375 NYS regulations and NYSDEC Guidance Document 10.

The RA activities at the Site were undertaken in a manner consistent with the remedy and with the RD plans and specifications, as modified by the as-built documentation. All applicable quality assurance and quality control procedures and protocols were incorporated into the RD. EPA analytical methods were used for all monitoring samples during all remedial activities. All procedures and protocols followed for groundwater, soil and air sample collection and analysis are documented in the RD and RA reports, and the sample analyses were performed at state-certified laboratories. EPA has determined that all analytical results are accurate to the degree needed to assure satisfactory execution of the RA and that the data are consistent with both the ROD and the RD plans and specifications, as modified by the as-built documentation.

Prior to the completion of the RA, groundwater monitoring data revealed limited exceedances of NYS standards for antimony, arsenic, chromium and lead in the overburden groundwater. High iron and manganese concentrations were attributed to the naturally occurring background conditions. Sodium levels were high in the upgradient wells, indicating that it is also naturally occurring. VOCs that were sampled were primarily at levels below detection limits.

In general, data from groundwater sampling events conducted in 2012 and 2016 revealed that iron, manganese and sodium levels were detected above the standards were consistent with naturally occurring conditions. Levels of other metals (arsenic, chromium, lead and nickel) were detected both above and below standards in one well. No SVOCs were detected. Some VOCs were detected but shown to be below standards. Overall, because of the low baseline contaminant concentrations in the groundwater and the installation of the landfill cap, which prevents infiltration to the groundwater, groundwater contaminant concentrations at the Site are being monitored and are expected to continue to decrease.

Contaminated soils were excavated and removed from 1) an adjacent residential property (Cape Avenue) to the former Site facility and 2) two additional residential properties to the southeast along River Street. Metals (arsenic, barium, cadmium, copper, lead, mercury and zinc) were detected at these properties at concentrations in the soils greater than the RSCOs—Residential. The cleanup goals were met.

EPA's Preliminary Close-Out Report was signed on September 30, 2011, representing a successful construction completion at the Site.

Operation and Maintenance

As of March 2015, NYSDEC assumed the O&M responsibilities at the Site, in accordance with the Sire Management Plan (SMP) which specifies the methods necessary to ensure compliance with all ICs and ECs for the Site.

NYSDEC currently performs semi-annual Site inspections to ensure the remedial measures have not been compromised. These include inspection of the landfill cap, the storm water basin, the perimeter drainage swales, the monitoring wells, the gas vents, the constructed wetland area, the access roads, the guard rails, and the fence lines.

During the most recent assessment of current conditions, all entrances to the Site were noted as secure, and the inner fence that surrounds the main landfill area was intact but for a small, repairable break in the northeast corner. The landfill cap was dry and the soil stable. No animal presence was observed while on-site. The vegetation on the landfill is green and has grown to an average height of less than six inches. The landfill cap has been mowed. During the inspections, NYSDEC confirmed that the vegetation is at an acceptable height and roots not penetrating the landfill cap. The landfill gas vents are in good condition. The drainage swales, located on the perimeter of the Site, did not contain any water, and there are no areas of active erosion or excessive vegetation growth. The storm water outfall structure leading to the wetland was inspected and was determined to be functioning as designed. The created wetland was also inspected and found to have no issues. Inspection of the formerly-forested wetland area on the lower plateau of the Cape Avenue residential property showed that a few of the trees planted during the RA may need replacement.

All monitoring wells were secure, and concrete well pads were free of large cracks and signs of deterioration. Outside the fenced area, each monitoring well's condition was inspected; the wellhead was screened with a photoionization detector (PID); and the total well depth, depth to product (if any) and depth to water measurements were recorded. No product or elevated PID readings were observed at any of the monitoring wells inspected.

Site access roads around the perimeter of the Site are in good condition. The interior fence line is in good condition and the gates are secure.

A Declaration of Covenants, Restrictions and Environmental Easements Survey Map was developed for the Site. This Declaration includes the metes and bounds descriptions of the various property parcels associated with the Site. The Map also identifies the fenced, capped landfill area that is to be maintained under strict and specific ECs.

EPA issued two notices to successors-in-title to the two properties impacted by the ECs implemented at the Site. Other than the existing groundwater extraction restrictions though local ordinance, these notices are the primary ICs at the Site. ICs are necessary to ensure the protectiveness of the remedy.

Five-Year Review

The purpose of a FYR is to evaluate the implementation and performance of a remedy in order to determine if the remedy is and will continue to be protective of human health and the environment. The methods, findings and conclusions of FYRs are documented in FYR reports. In addition, FYR reports identify any issues that may have been found during the review period and document recommendations of how to address those issues.

EPA prepared the first FYR for the Site, pursuant to CERCLA Section 121, consistent with the NCP (40 CFR Section 300.430(f)(4)(ii)), and considering EPA policy. The FYR was a statutory review because hazardous substances, pollutants or contaminants remain at the Site above levels that would allow for unlimited use and unrestricted exposure. The first FYR for the Site was signed in August 2017. In the FYR report, EPA concluded that the remedy is functioning, as intended, and is protective of human health and the environment. The FYR had no issues or recommendations. FYRs will continue to be conducted at the Site. The next five-year review will be conducted by August 2022.

Community Involvement

Public participation activities for the Site have been satisfied as required pursuant to CERCLA Sections 113(k) and 117, 42 U.S.C. 9613(k) and 9617. As part of the remedy selection process, the public was invited to comment on the proposed remedy. All other documents and information that EPA relied on or considered in recommending this deletion are available for the public to review at the information repositories identified above and at EPA's website for the Site: *www.epa.gov/superfund/ellenville-scrap.* The public is provided the opportunity to comment on this proposed action.

Determination That the Site Meets the Criteria for Deletion in the NCP

EPA, with the concurrence of the State of New York through NYSDEC, has determined that all required and appropriate response actions have been implemented. The criteria for deletion from the NPL, as set forth at 40 CFR 300.425(e)(1)(I)), are met. The implemented remedy achieves the protection specified in the ROD for all pathways of exposure. All selected remedial and removal action objectives, and associated cleanup levels are consistent with agency policy and guidance. No further Superfund response is needed to protect human health and the environment.

All of the cleanup requirements for the Site have been met, as described in the 2011 Preliminary Close-Out Report and 2017 FYR report. The State of New York, in a July 11, 2019 letter, concurred with the proposed deletion of the Site from the NPL.

The NCP (40 CFR 300.425(e)(1)(ii)) specifies that EPA may delete a site from the NPL if ''all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate.''

V. Deletion Action

EPA, with the concurrence of the State of New York through NYSDEC, has determined that all appropriate responses under CERCLA have been completed and that no further response actions, under CERCLA, other O&M, monitoring, and FYRs, have been completed. Therefore, EPA is deleting the Site from the NPL. Documents supporting this action are available in the deletion docket at *https://www.regulations.gov* and at the Site information repositories.

Because EPA considers this action to be noncontroversial and routine, EPA is taking this action without prior publication. This action will be effective on September 24, 2019 unless EPA receives adverse comments by September 4, 2019. If adverse comments

are received within the 30-day public comment period of this action, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and the deletion will not take effect. EPA will prepare a response to comments and continue with the deletion process, as appropriate, on the basis of the notice of intent to delete and the comments received. If there is no withdrawal of this direct final notice of deletion, there will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

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

Dated: July 24, 2019.

Peter D. Lopez,

Regional Administrator, EPA, Region 2.

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

PART 300—[AMENDED]

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

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

Appendix B to Part 300 [Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for ''NY,'' ''Ellenville Scrap Iron and Metal'', ''Ellenville''.

[FR Doc. 2019–16703 Filed 8–2–19; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 84, No. 150
Monday, August 5, 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 Part 430

[EERE–2017–BT–TP–0028]

Energy Conservation Program: Test Procedures for Water Closets and Urinals

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE) is initiating a data collection process, through this request for information (RFI), to consider whether to amend DOE's test procedures for water closets and urinals. To inform interested parties and to facilitate this process, DOE has gathered data, identifying several issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. The issues outlined in this document concern water closets and urinals, specifically whether to conform the test procedures to American Society of Mechanical Engineers/American National Standards Institute (''ASME/ANSI'') Standard A112.19.2–2018, ''Ceramic plumbing fixtures,'' including updates to terms and definitions, figures, and tables. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI) and any additional topics that may inform DOE's decisions in a future test procedure rulemaking, including methods to reduce regulatory burden while ensuring the procedure is reasonably designed to produce results that measure water use or efficiency during a representative average use cycle or period of use.

DATES: Written comments, data, and information are requested and will be accepted on or before September 4, 2019.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *https://www.regulations.gov*. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0028, by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments.

2. *Email: PlumbingProducts2017TP0028@ee.doe.gov*. Include the docket number EERE–2017–BT–TP–0028 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. Telephone: (202) 287–1445. 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, DC 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.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *https://www.regulations.gov*. All documents in the docket are listed in the *https://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://energy.gov/eere/buildings/standards-and-test-procedures*. The docket web page will contain simple instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *ApplianceStandardsQuestions@ee.doe.gov*.

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC– 33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: *Jennifer.Tiedeman@hq.doe.gov*.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

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I. Introduction

Water closets and urinals are included in the list of ''covered products'' for which DOE is authorized to establish and amend water use standards and test procedures. (42 U.S.C. 6292(a)(17) and (18)) DOE's test procedures for water closets and urinals are prescribed at 10 CFR 430.23(u) and (v), respectively, and 10 CFR part 430 subpart B appendix T (''Appendix T''). The following sections discuss DOE's authority to establish and amend test procedures for water closets and urinals, as well as relevant background information regarding DOE's consideration of test procedures for these products.

A. Authority and Background

The Energy Policy and Conservation Act of 1975, as amended (''EPCA''),[1] among other things, authorizes DOE to

[1] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (October 23, 2018).

regulate the energy efficiency or water use, of a number of consumer products and industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA establishes the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency or water use. These products include water closets and urinals, the subject of this RFI. (42 U.S.C. 6292(a)(17) and (18))

The energy conservation program under EPCA, which includes water use requirements, consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards,[3] and (4) certification and enforcement procedures. Relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency and water use requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (See 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making certain other representations about the water use of those products. (42 U.S.C. 6293(c)) Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use, water use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2))

EPCA directs that the test procedures for water closets and urinals are to be the test procedures specified in ASME/ANSI A112.19.6–1990, ''Hydraulic Requirements for Water Closets and Urinals'' (ASME A112.19.6–1990). (42 U.S.C. 6293(b)(8)(A)) EPCA further directs that, if the requirements of ASME A112.19.6–1990 are revised at any time and approved by ANSI, DOE must amend the Federal test procedures to conform to the revised ASME standard, unless DOE determines by rule that to do so would not meet the requirements of EPCA that the test procedures be reasonably designed to produce test results which measure water use during a representative average use cycle as determined by DOE, and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(8)(B))

EPCA also requires that, at least once every 7 years, DOE evaluate the test procedures for each type of covered product, including water closets and urinals, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to be reasonably designed to produce test results that reflect water use and estimated operating costs during a representative average use cycle or period of use and not to be unduly burdensome to conduct. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. (42 U.S.C. 6293(b)(2)) The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. *Id.* In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy or water use or energy efficiency of the type (or class) of covered products involved. *Id.* If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. DOE is publishing this RFI to collect data and information to inform a potential test procedure rulemaking in response to revisions to the ASME standard and pursuant to the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(8)(B); 42 U.S.C. 6293(b)(1)(A))

B. Rulemaking History

DOE's current test procedures for water closets and urinals are found in 10 CFR 430.23(u) and (v), respectively, and Appendix T. DOE initially established test procedures for water closets and urinals in a final rule published March 8, 1998, which incorporated by reference ASME A112.19.6–1995, then the most recent revision of those requirements. 63 FR 13308.

DOE last amended the test procedures for water closets and urinals on October 23, 2013, (''October 2013 TP final rule''). 78 FR 62970. In that final rule, DOE incorporated by reference ASME A112.19.2–2008, ''Ceramic Plumbing Fixtures,'' including Update No. 1, dated August 2009, and Update No. 2, dated March 2011 (ASME A112.19.2–2008). ASME A112.19.2–2008 is a consolidation and revision of several documents, including a revised version of the document previously incorporated by reference, ASME A112, 19.6–1995.

In 2013, ASME revised ASME A112.19.2–2008 by issuing ASME A112.19.2–2013, ''Ceramic Plumbing Fixtures.'' In October 2013 ASME published Update 1 for ASME A112.19.2–2013 (''ASME A112.19.2–2013'' refers to both the initial document and Update 1). Because of the timing of the issuance of ASME 112.19.2–2013, DOE did not consider it in the October 2013 TP final rule. In 2018, ASME revised ASME A112.19.2–2013 by publishing ASME A112.19.2–2018 (''ASME A112.19.2–2018'' refers to the initial document and the October 2018 errata). ASME A112.19.2–2018 does not contain any substantive differences compared to ASME A112.19.2–2013 with regards to the test method for water consumption.

II. Request for Information

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended test procedures for water closets and urinals may be warranted. DOE requests comment on any opportunities to

[2] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

[3] The term ''energy conservation standard'' includes water use standards for showerheads, faucets, water closets, and urinals. (42 U.S.C. 6291(6)(A))

streamline and simplify testing requirements for these products.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. *See* 82 FR 9339 (Feb. 3, 2017). Accordingly, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to water closets and urinals consistent with the requirements of EPCA.

A. Scope and Definitions

DOE regulations both define and set standards for water closets and urinals. DOE regulations define ''water closet'' as a plumbing fixture that has a water-containing receptor that receives liquid and solid body waste, and upon actuation, conveys the waste through an exposed integral trap seal into a gravity drainage system, except such term does not include fixtures designed for installation in prisons. 10 CFR 430.2. In addition, DOE regulations specify standards for gravity tank-type toilets, flushometer tank toilets, electromechanical hydraulic toilets, and blowout toilets. 10 CFR 430.32(q). DOE regulations define ''urinal'' as a plumbing fixture that receives only liquid body waste and, on demand, conveys the waste through a trap seal into a gravity drainage system, except such term does not include fixtures designed for installations in prisons. 10 CFR 430.2. In addition, DOE's regulations specify standards for urinals, including trough-type urinals. 10 CFR 430.32(r).

Several terms and definitions in ASME A112.19.2–2018 related to water closets and urinals vary from those in DOE regulations, including terms not defined in 10 CFR 430.2. Two such terms relate to products that use electricity to remove waste. First, EPCA and DOE regulations use the term ''electromechanical hydraulic toilets'' as the name of a product class subject to standards at 42 U.S.C. 6295(k) and 10 CFR 430.32(q), respectively, and DOE defines the term in 10 CFR 430.2. ASME Standard A112.19.2–2018, on the other hand, uses the term ''electro-hydraulic water closet,'' with a different definition. DOE defines ''electromechanical hydraulic toilet'' as a water closet that utilizes electrically operated devices such as, but not limited to, air compressors, pumps, solenoids, motors, or macerators in place of or to aid gravity in evacuating waste from the toilet. 10 CFR 430.2. ASME defines ''electro-hydraulic water closet'' as a water closet with a non-mechanical trap seal incorporating an electric motor and controller to facilitate flushing. ASME A112.19.2–2018. Both definitions include an electric motor as a mechanism to remove waste; however, DOE views the scope of the term ''electromechanical hydraulic toilet'' as broader because it also includes other electrically operated devices.

Similarly, two varying terms relate to blowout products.[4] As with the term ''electromechanical hydraulic toilets,'' EPCA and DOE regulations use the term ''blowout toilet'' as the name of a product class subject to its conservation standards, while ASME A112.19.2–2018 uses the term ''blowout bowl.'' Although the terms are not identical, their definitions are similar. DOE defines ''blowout toilet'' as a water closet that uses a non-siphonic bowl with an integral flushing rim, a trap at the rear of the bowl, and a visible or concealed jet that operates with a blowout action. 10 CFR 430.2. ASME defines ''blowout bowl'' as a non-siphonic water closet with an integral flushing rim, a trap at the rear of the bowl, and a visible or concealed jet that operates with a blowout action. ASME A112.19.2–2018. The only difference between these two definitions is that DOE's definition uses the phrase ''water closet that uses a non-siphonic bowl,'' while ASME's definition uses the phrase ''non-siphonic water closet.'' DOE understands these two terms to be synonymous.

In addition, Appendix T uses the terms ''gravity flush tank water closet'' and ''siphonic bowl,'' which are defined in ASME A112.19.2–2018 but not defined in DOE regulations.

Aside from the definitional issues arising from revisions to the ASME standard, DOE notes that DOE energy conservation standards for urinals, codified at 10 CFR 430.32(r), use the term ''trough-type.'' However, neither DOE regulations nor ASME A112.19.2–2018 define this term.

DOE requests information and comment on the following terms and definitions.

1. Whether the term ''electro-hydraulic water closet'' as defined in ASME A112.19.2–2018 is understood to include the same products as the term ''electromechanical hydraulic toilet,'' *i.e.,* whether any products meet one definition but not the other. DOE requests comment on the potential impact, including to testing burden, of adopting the term ''electro-hydraulic water closet'' and the corresponding definition in ASME A112.19.2–2018, as compared to maintaining the current DOE term ''electromechanical water closet'' and its definition in 10 CFR 430.2.

2. Whether the term ''blowout bowl'' in ASME A112.19.2–2018 is understood to include the same products as the term ''blowout toilet'' in DOE regulations, *i.e.,* whether any products meet one definition but not the other. DOE requests comment on the potential impact to the testing burden of adopting the term ''blowout bowl'' and the corresponding definition in ASME A112.19.2–2018 as compared to maintaining the current DOE term ''blowout toilet'' and the definition in 10 CFR 430.2.

3. Whether the definitions of the terms ''gravity flush tank water closet'' and ''siphonic bowl'' in ASME A112.19.2–2018 are consistent with how industry has understood and applied those terms under DOE regulations. DOE requests comment on the potential impact to the testing burden of adopting the ASME A112.19.2–2018 definitions of ''gravity flush tank water closet'' and ''siphonic bowl.''

4. How to define the term ''trough-type'' urinal and whether there is an industry definition for this term.

5. How any definitional changes to conform the terms in DOE test procedures with those in ASME A112.19.2–2018 could change the scope of the products subject to the test procedure or standards, or impact the repeatability and reproducibility of the test procedure and its ability to reflect a representative average use cycle or period of use.

B. Test Procedures

Currently, DOE's test procedures for water closets and urinals in Appendix T incorporate by reference ASME A112.19.2–2008,[5] sections 7.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.4, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.6, Table 5, and Table 6. These sections and tables provide procedures for testing and measuring water consumption, specifications for test apparatus, and other general requirements for water closets and urinals.

ASME A112.19.2–2018 included the following amendments to pertinent sections of the 2008 version currently

[4] The term ''blowout'' refers to the flushing action produced by a jet of water in the outlet passage for rapid evacuation of the bowl.

[5] This includes Update No. 1, dated August 2009, and Update No. 2, dated March 2011.

incorporated into 10 CFR part 430: (1) Editorial changes and/or clarification in sections 7.1.2, 7.3.2,[6] 8.6.4, and Figure 12; (2) a correction in section 8.2.1 to the water consumption static test pressure value for urinals to reflect the corresponding value in Table 6; and (3) additions to Table 5 that do not appear to be relevant to the water consumption test for water closets.

Because DOE views these amendments as clarifications and minor technical corrections, DOE has tentatively determined that the amendments would not impact (1) the measured values of water use for water closets and urinals under Appendix T, (2) the representativeness of the results, or (3) the test burden. DOE requests comment on the validity of these tentative conclusions. If commenters believe that the amendments, if adopted, would impact measured values of water use under the test procedure, DOE is interested in data and information on the nature and extent of any such impact.

C. Other Test Procedure Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedures for water closets and urinals. DOE recently issued an RFI to seek more information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use. 84 FR 9721 (Mar. 18, 2019). DOE seeks comment on this issue as it pertains to the test procedure for water closets and urinals. DOE also seeks any information that would improve the repeatability and reproducibility of its test procedures.

As noted above, DOE also requests comments on its tentative conclusion that the adoption of the amendments discussed would not result in a test procedure that is unduly burdensome to conduct, particularly in light of any new products on the market since the last test procedure update. If commenters believe that the adoption of the amendments would result in a procedure that is, in fact, unduly burdensome to conduct, DOE seeks information on whether an existing private sector-developed test procedure would be more appropriate.

DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification. As discussed, the current test procedures for water closets and urinals in Appendix T incorporate by reference ASME A112.19.2–2008, sections 7.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.4, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.6, Table 5, and Table 6. Other portions of the standard contain general requirements for plumbing fixtures and their components, and test methods for characteristics other than water consumption, such as material, finishes, structural integrity, and specific component functionalities. In order to improve repeatability of the test procedures and the accuracy of reported values, Appendix T also provides additional direction regarding the resolution of the recorded values; rounding of recorded and calculated values; and test set-up as it relates to manufacturer installation instructions. DOE seeks comment on whether these additional directions are necessary to ensure that the test procedure is reasonably designed to measure the water use of water closets and urinals during a representative average use cycle or period of use.

Additionally, DOE requests comment on whether the existing test procedures limit a manufacturer's ability to provide additional features to consumers on water closets and urinals. DOE particularly seeks information on how the test procedures could be amended to reduce the cost of new or additional features and make it more likely that such features are included on water closets and urinals while still meeting the requirements of EPCA. DOE also requests comments on any potential amendments to the existing test procedures that would address impacts on manufacturers, including small businesses.

Finally, DOE recently published an RFI on the emerging smart technology appliance and equipment market. 83 FR 46886 (Sept. 17, 2018). In that RFI, DOE sought information to better understand market trends and issues in the emerging market for appliances and commercial equipment that incorporate smart technology. DOE's intent in issuing the RFI was to ensure that DOE did not inadvertently impede such innovation in fulfilling its statutory obligations in setting efficiency standards for covered products and equipment. DOE seeks comments, data and information on the issues presented in the RFI as they may be applicable to water closets and urinals.

III. Submission of Comments

DOE invites all interested parties to submit in writing by September 4, 2019, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of amended test procedures for water closets and urinals. These comments and information will aid in the development of a test procedure notice of proposed rulemaking for water closets and urinals if DOE determines that amended test procedures may be appropriate for these products.

Submitting comments via *https://regulations.gov*. The *https://www.regulations.gov* web page will require you to provide your name and contact information. 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 *https://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 *https://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 *https://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large

[6] In the 2013 version of the ASME A112.19.2 standard, section 7.3 is the ''Water consumption test'' section and section 7.4 is the ''Trap seal restoration test'' section. In the 2018 version of the ASME A112.19.2 standard, these two sections were reorganized: Section 7.3 is now the ''Trap seal restoration test'' section and section 7.4 is the ''Water consumption test'' section.

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 *https://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *https://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 each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in portable document format (''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 contain 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. According 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 the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov*.

Signed in Washington, DC, on July 24, 2019.

Alexander N. Fitzsimmons,

Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2019–16548 Filed 8–2–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0560; Product Identifier 2018–CE–056–AD]

RIN 2120–AA64

Airworthiness Directives; Glasflugel Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2018–21–04 for Glasflugel Models Club Libelle 205, H 301 ''Libelle,'' H 301B ''Libelle,'' Kestrel, Mosquito, Standard ''Libelle,'' and Standard Libelle-201B gliders. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as jamming between the double two-ring end of the towing cable and the deflector angles of the center of gravity (C.G.) release mechanism. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 19, 2019.

ADDRESSES: You may send comments by any of the following methods:

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

For service information identified in this proposed AD, contact Glasfaser Flugzeug-Service GmbH, Hansjorg Streifeneder, Hofener Weg 61, 72582 Grabenstetten, Germany; phone: +49 (0)7382/1032; fax: +49 (0)7382/1629; email: *info@streifly.de;* internet: *http://www.streifly.de/kontakt-e.htm.* You may review copies of the referenced service

information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0560; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Policy and Innovation Divsion, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0560; Product Identifier 2018–CE–056–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued a Final rule; request for comment to add AD 2018–21–04, Amendment 39–19462 (83 FR 53573, October 24, 2018) (''AD 2018–21–04'') to address an unsafe condition on Glasflugel Models Club Libelle 205, H 301 ''Libelle,'' H 301B ''Libelle,'' Kestrel, Mosquito, Standard ''Libelle,'' and Standard Libelle-201B gliders. AD 2018–21–04 requires inspecting the distance between the deflector-angles of the C.G. release mechanism and revising the operations section of the sailplane flight manual (SFM) before the next winch launch.

AD 2018–21–04 was based on MCAI originated by an aviation authority of another country. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency AD No. 2018–0143–E (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Jamming between the double two ring end of the towing cable and the deflector angles of the C.G. release mechanism was reported. Subsequent investigation identified incorrect geometry of the deflector angles of the affected part as likely cause of the jamming.
>
> This condition, if not detected and corrected, could lead to failure to disconnect the towing cable, possibly resulting in reduced or loss of control of the sailplane.
>
> To address this potential unsafe condition, Glasfaser Flugzeug-Service GmbH issued the TN [Technical Note] to provide inspection instructions and corrective action.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the affected part, and, depending on findings, accomplishment of applicable corrective action(s). This [EASA] AD also requires amendment of the sailplane Aircraft Flight Manual (AFM).

We issued AD 2018–21–04 as an interim action to address the immediate need for the initial inspection of the distance between the deflector-angles of the C.G. release mechanism, any necessary corrective action, and the revision of the flying operations section of the SFM. We are proposing this superseding AD to address the long-term need to repeat the inspection of the C.G. release mechanism for the distance between the deflector-angles at intervals not to exceed 12 months. Because this proposed requirement is for a longer interval, we are providing the public an opportunity to comment. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0560.

Related Service Information Under 1 CFR Part 51

We reviewed Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018, which is incorporated by reference in AD 2018–21–04. The service information describes procedures for measuring the distance between the deflector-angles at the C.G. release and modifying the deflector-angles if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 177 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the inspection requirements and revision of the flying operations section of the sailplane flight manual of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $15,045, or $85 per product, per inspection cycle.

We estimate that any modification of the deflector-angles that may be necessary as a result of the inspection would take about 4 work-hours and require parts costing $100, for a cost of $440 per product. We have no way of determining the number of products that may need these actions.

This proposed AD retains the actions of AD 2018–21–04. The estimated costs of initial inspection, any necessary modification, and revision of the flying operations section of the SFM remain the same as AD 2018–21–04 and do not impose an additional burden beyond the cost of repeating the inspection every 12 months.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures

the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

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

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

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–21–04, Amendment 39–19462 (83 FR 53573; October 24, 2018), and adding the following new AD:

Glasflugel: Docket No. FAA–2019–0560; Product Identifier 2018–CE–056–AD.

(a) Comments Due Date

We must receive comments by September 19, 2019.

(b) Affected ADs

This AD replaces AD 2018–21–04, Amendment 39–19462 (83 FR 53573, October 24, 2018) (''AD 2018–21–04'').

(c) Applicability

This AD applies to Glasflugel Models Club Libelle 205, H 301 ''Libelle,'' H 301B ''Libelle,'' Kestrel, Mosquito, Standard ''Libelle,'' and Standard Libelle-201B gliders, certificated in any category, with a center of gravity (C.G.) tow release installed.

(d) Subject

Air Transport Association of America (ATA) Code 25: Equipment/Furnishing.

(e) Reason

This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as jamming between the double two-ring end of the towing cable and the deflector angles of the C.G. release mechanism. We are issuing this AD to prevent failure of the towing cable to disconnect, which could result in reduced or loss of control of the glider or the cable breaking and causing injury to people on the ground.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (3) of this AD.

(1) Before the next winch launch after November 13, 2018 (the effective date of AD 2018–21–04) and thereafter at intervals not to exceed 12 months, inspect the distance between the deflector-angles by following paragraph 1 in the Actions section of Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018.

(2) If the distance is less than 36 mm during any inspection required in paragraph (f)(1) of this AD, before the next winch launch, do the corrective action in paragraph 2 in the Actions section of Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018.

(3) Before the next winch launch after November 13, 2018 (the effective date of AD 2018–21–04), revise the flying operations section of the sailplane flight manual by inserting the text in paragraph (f)(3)(i) of this AD into the winch tow section.

(i) Winch launching is permissible only with a connecting ring pair that conforms to aeronautical standard LN 65091.

(ii) This action may be done by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD by following 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Policy and Innovation Divsion, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(h) Related Information

Refer to MCAI EASA AD No. 2018–0143–E, dated July 6, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0560. For service information related to this AD, contact Glasfaser Flugzeug-Service GmbH, Hansjorg Streifeneder, Hofener Weg 61, 72582 Grabenstetten, Germany; phone: +49 (0)7382/1032; fax: +49 (0)7382/1629; email: *info@streifly.de;* internet: *http://www.streifly.de/kontakt-e.htm.* You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on July 19, 2019.

Melvin J. Johnson,

Aircraft Certification Service, Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2019–16570 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0584; Product Identifier 2019–NM–096–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: The FAA must receive comments on this proposed AD by September 19, 2019.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0584; Product Identifier 2019–NM–096–AD'' at the beginning of your comments. The FAA specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2019–14, dated April 5, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states:

> The Airworthiness Limitations (AWL) for the BD–500–1A10 and BD–500–1A11 aeroplanes are defined and published in the CSALP AWL publication, approved by Transport Canada. The instructions contained in the AWL publication have been identified as mandatory actions for continued airworthiness. Failure to comply with these instructions could result in an unsafe condition.
>
> Since these aeroplanes have entered service, Issue No. 008.00 of the AWL has been published, including new and/or more restrictive items. For the reason described above, this [Canadian] AD mandates incorporation of the actions specified in the AWL Issue No. 008.00 into the aeroplane maintenance schedule.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584.

Related Service Information Under 1 CFR Part 51

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

FAA's Determination

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

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (i)(1) of this proposed AD.

Costs of Compliance

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

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action

takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be $7,650 (90 work-hours x $85 per work-hour).

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

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

Docket No. FAA–2019–0584; Product Identifier 2019–NM–096–AD.

(a) Comments Due Date

The FAA must receive comments by September 19, 2019.

(b) Affected ADs

None.

(c) Applicability

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

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

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

(d) Subject

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

(e) Reason

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

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

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

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

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

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2019–14, dated April 5, 2019, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0584.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone:

516–228–7330; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on July 29, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–16571 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2002–0001; FRL–9997–64–Region 2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Ellenville Scrap Iron and Metal Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete the Ellenville Scrap Iron and Metal Superfund Site (Site), located in the Village of Ellenville, Town of Wawarsing, Ulster County, New York, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of New York, through the Department of Environmental Conservation (NYSDEC), have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews, have been completed. However, this deletion does not preclude future response actions under Superfund.

DATES: Comments must be received by September 4, 2019.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–2002–0001, by mail to Damian Duda, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Damian Duda, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866, (212) 637–4269, email: *duda.damian@epa.gov*.

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this issue of the **Federal Register**, we are publishing a direct final Notice of Deletion of the Ellenville Scrap Iron and Metal Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and the deletion will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. If there is no withdrawal of this Notice of Iintent to Delete, we will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the ''Rules and Regulations'' section of this issue of the **Federal Register**.

List of Subjects in 40 CFR Part 300

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

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

Dated: July 24, 2019.

Peter D. Lopez,

Regional Administrator EPA, Region 2.

[FR Doc. 2019–16702 Filed 8–2–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74 and 76

[MB Docket Nos. 19–165, 17–105; FCC 19–68]

Electronic Delivery of Notices to Broadcast Television Stations; Modernization of Media Regulation Initiative

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) proposes to require that cable operators use email to deliver certain written notices to broadcast television stations. The proposal would require cable operators to email the notices to a designated inbox in the station's online public inspection file (OPIF). The FCC seeks comment on whether satellite TV providers should similarly be required to use email to deliver certain written notices to broadcast TV stations. In addition, the FCC also seeks comment on whether and how the proposal to require electronic delivery of notices can be applied to certain low power TV and noncommercial translator stations that are not required to maintain an OPIF.

DATES: Comments are due on or before September 4, 2019, and reply comments are due on or before September 19, 2019.

ADDRESSES: You may submit comments, identified by MB Docket Nos. 19–165 and 17–105, by any of the following methods:

- *Federal Communications Commission's website: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Christopher Clark of the Industry Analysis Division, Media Bureau at *Christopher.Clark@fcc.gov,* or (202) 418–2609.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 19–68, adopted and released on July 10, 2019. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *https://www.fcc.gov/document/fcc-proposes-updates-cable-satellite-tv-provider-notifications-0.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. In this Notice of Proposed Rulemaking (NPRM), we propose to take additional steps to modernize the notification requirements in part 76 of our rules governing cable television and other multichannel video programming services. Currently, the written notification requirements for cable operators are set forth in section 76.64(k) and subpart T of the Commission's rules, and the written notification requirements for direct broadcast satellite (DBS) providers are contained in sections 76.54(e) and 76.66 of the Commission's rules. These rules direct cable operators and DBS providers, respectively, to give written notice to a local broadcast television station prior to deleting or repositioning the station, changing the location of the principal headend or local receive facility, or commencing service in a market, among other things. In addition to the required notices to broadcast television stations, the rules in subpart T also require that cable operators deliver written notices to their subscribers in certain circumstances.

2. In December 2017, in response to proposals in the Modernization of Media Regulation Initiative proceeding calling for the modernization of these various notice requirements, the Commission released the *Subscriber and Carriage Election Notices NPRM,* MB Docket Nos. 17–317 and 17–105, FCC 17–168, which proposed to allow electronic delivery of subpart T and privacy notices to subscribers if sent to a verified email address and subject to certain safeguards. In addition, the *Subscriber and Carriage Election Notices NPRM* sought comment on how to update the requirement in sections 76.64(h) and 76.66(d) of the Commission's rules that local broadcast stations electing carriage on a cable system send such written election notices by certified mail. The Commission subsequently adopted the proposals pertaining to electronic delivery of notices to subscribers and stated that the issue of carriage election notices made by broadcast television stations would be addressed in a future order. In September 2018, the American Cable Association (ACA), National Association of Broadcasters (NAB), and NCTA—The internet and Television Association (NCTA) met with Commission staff to discuss a proposal that contemplated requiring carriage election notices to be delivered via email. NAB and NCTA subsequently proposed that the Commission add a new field to both the online public inspection file (OPIF) and the Cable Operations and Licensing System (COALs) in order for commercial broadcast television stations and cable operators to provide carriage election contact information, including an email address and phone number.

3. In a separate filing submitted in the carriage election notices modernization proceeding on October 16, 2018, ACA proposed that the Commission take ''comparable steps'' with respect to the notices required by section 76.64(k) and subpart T if the Commission allows carriage election notices to be delivered by means other than certified mail. Specifically, ACA contended that cable operators be permitted to provide the following types of notices to broadcast stations electronically:

- *Intent to commence service (47 CFR 76.64(k)):* Requires that a cable system commencing new operation notify all local commercial and noncommercial broadcast stations of its intent to commence service. The cable operator must send such notification, by certified mail, at least 60 days prior to commencing cable service.
- *Activation of a cable system (47 CFR 76.1617):* Requires that within 60 days of activation of a cable system, a cable operator must notify all qualified noncommercial educational (NCE) stations of the location of its designated principal headend by certified mail; notify all local commercial and NCE stations that may not be entitled to carriage because they either fail to meet the standards for delivery of a good quality signal to the cable system's principal headend or may cause increased copyright liability to the cable system; and send by certified mail a copy of a list of all broadcast television stations carried by the cable system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.
- *Deletion or repositioning of broadcast signals (47 CFR 76.1601):* Requires that a cable operator provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station.
- *Principal headend (47 CFR 76.1607):* Requires that a cable operator provide written notice by certified mail to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of the location of the principal headend.
- *System technical integration requiring uniform election of must-carry or retransmission consent status (47 CFR 76.1608):* Requires a cable system that changes its technical configuration in such a way as to integrate two formerly separate cable systems to give 90 days' notice of its intention to do so to any television broadcast stations that have elected must carry with respect to one system and retransmission consent status with respect to the other.
- *Non-duplication and syndicated exclusivity (47 CFR 76.1609):* Requires that within 60 days following the provision of service to 1,000 subscribers, the operator of each such system must file a notice to that effect with the Commission, and serve a copy of that notice on every television station that would be entitled to exercise network non-duplication protection or syndicated exclusivity protection against it.

4. As discussed further below, we propose to revise our rules to require that cable operators deliver electronically to broadcast television stations the written notices required by section 76.64(k) and subpart T of our rules via email to an email address designated by the station in its OPIF. We believe that modernizing our rules to require electronic delivery of certain written notices in this manner is consistent with how companies do business in the marketplace and will result in quicker, more effective

communication of necessary information.

5. Specifically, we propose that written notices from cable operators would be required to be delivered electronically to television stations in all the circumstances cited by ACA above: Informing local broadcast stations that a new cable system intends to commence service (section 76.64(k)); sending required information to local broadcast stations when a new cable system is activated (section 76.1617); notifying a television station about the deletion or repositioning of its signal (section 76.1601); informing stations of a change in the designation of the principal headend of a cable operator (section 76.1607); informing stations that a cable operator intends to integrate two cable systems, requiring a uniform carriage election (section 76.1608); and notifying stations that a cable system serves 1,000 or more subscribers and is no longer exempt from the Commission's network non-duplication and syndicated exclusivity rules (section 76.1609). Consistent with the Commission's decision in a companion order adopted today to require electronic delivery of carriage election notices, we tentatively conclude that our rules should also require that the notices described above to television stations be delivered to the email address designated by the television station in the OPIF.

6. We tentatively conclude that requiring cable operators to deliver such notices to broadcast television stations via email would serve the public interest. As discussed above, the Commission has already decided in a companion order adopted today to require that carriage election notices from television stations be delivered to MVPDs electronically via email. Similarly, the Commission allows cable operators to use email to deliver subpart T and privacy notices to subscribers if the cable operator complies with certain consumer safeguards, including the use of a verified email address for each subscriber. The Commission found that the benefits of permitting email delivery of subscriber notices include increased efficiency and the positive environmental aspects of saving substantial amounts of paper annually, among other things. We tentatively conclude that similar policy considerations also favor the use of electronic delivery for notices from cable operators to broadcast television stations, such as decreasing the amount of paper used, reducing burdens on cable operators, and enabling television broadcasters and cable operators to more easily track the information they need to fulfill their obligations under the Commission's rules. We seek comment on our tentative conclusion that the public interest would be served by our proposal to require electronic delivery of notices mandated by section 76.64(k) and the rules in subpart T listed above. Alternatively, is there any reason why a cable operator should retain the option to deliver such notices to broadcast television stations in a non-electronic format, such as via certified mail?

7. We tentatively conclude that the Commission has authority under the Communications Act of 1934, as amended (the Act), to require the section 76.64(k) and subpart T notices from cable operators to broadcast stations to be delivered electronically via email. Pursuant to sections 4 and 303 of the Act, the Commission may exercise broad authority to adopt rules and regulations as necessary to execute its functions and carry out the provisions of the Act. In addition, section 614 of the Act provides the Commission with broad authority to issue regulations, including the notification requirements in section 76.64(k) and subpart T of our rules, implementing the must-carry requirements prescribed by the Act. While sections 614(b)(9) and 615(g)(3) of the Act require that ''written notice'' be provided before repositioning or deleting a local television station on the cable system, we tentatively conclude that electronic delivery of the notices via email satisfies this ''written notice'' requirement. As the Commission has found previously, emails, by their very nature, convey information in writing. We seek comment on these tentative conclusions.

8. To ensure that television stations continue to receive notices from cable operators as required by section 76.64(k) and subpart T, we tentatively conclude that after July 31, 2020, a cable operator should be required to distribute such notices to television stations electronically via email to an email address designated by the station. In the *Carriage Election Notice Modernization Order and FNPRM,* MB Docket Nos. 17–317 and 17–105, FCC 19–69, the Commission adopted new rules requiring that all broadcast stations subject to the rules must maintain in the OPIF an up-to-date email address and phone number for carriage-related questions by July 31, 2020. Similarly, with respect to the written notices that cable operators are required to provide to television stations pursuant to section 76.64(k) and subpart T, we propose to require that after July 31, 2020, all such notices must be delivered electronically to the carriage election email address designated by the station in the OPIF. We tentatively conclude that requiring the use of a designated email address that the station posts to the OPIF will help ensure that cable operators are easily able to identify the correct email address for delivering notices electronically to commercial and noncommercial full-power and Class A television stations and that such contact information is current. Stations are expected to update the OPIF in a timely fashion and to maintain an orderly OPIF. We seek comment on these tentative conclusions.

9. In some circumstances, a cable operator may be required to provide section 76.64(k) and subpart T notices to low power television (LPTV) stations that are not Class A stations or to certain NCE translator stations, neither of which are subject to the OPIF rules. Because these stations would need to use alternative means to publicize a designated email address for receiving notices electronically, we seek comment below on how our proposal to require electronic delivery of notices can be best applied to LPTV stations that are not Class A stations and to qualified NCE translator stations, to the extent they are entitled to receive the notices prescribed by section 76.64(k) and subpart T of our rules. The extent to which an LPTV station is entitled to receive notices pursuant to section 76.64(k) and subpart T of our rules depends on whether the station is a ''qualified'' LPTV station as defined in section 614 of the Act and section 76.55(d) of our rules. A qualified LPTV station can be either a Class A television station or a non-Class A LPTV station under section 614 of the Act. To be ''qualified,'' an LPTV station must satisfy certain criteria. Unlike qualified LPTV stations, non-qualified LPTV stations do not have the option to elect must-carry status; however, like other broadcast stations, non-qualified LPTV stations are eligible to negotiate carriage pursuant to retransmission consent agreements. The Commission has previously concluded that qualified LPTV stations are entitled to receive notice from a cable operator at least 30 days before the operator deletes or repositions the station, in accordance with section 76.1601 of our rules. To the extent that non-qualified LPTV stations are carried on a cable system pursuant to retransmission consent, however, such stations are also entitled to receive notices of deletion or repositioning pursuant to section 76.1601. Similarly, qualified LPTV stations that elect must-carry are entitled to receive the notices required by sections 76.64(k), 76.1607,

and 76.1617(b). In contrast, LPTV stations are not entitled to receive non-duplication and syndicated exclusivity notices under section 76.1609, because our rules do not entitle these stations to exercise network non-duplication or syndicated exclusivity protection. Similarly, LPTV stations are not entitled to receive notices under sections 76.1608 and 76.1617(c), because these rules require notice only to ''television broadcast stations'' or ''television stations,'' which, as defined in section 76.5(b) of our rules, excludes LPTV stations. Finally, with respect to section 76.1617(a), which requires notices only to ''qualified NCE stations,'' LPTV stations are entitled to such notices only to the extent they meet the definition of qualified NCE television station set forth in section 76.55(a) of our rules.

10. Because Class A stations, like full-power television stations, are subject to the OPIF rules, including the requirement to provide carriage election contact information in the OPIF, our proposal would require the use of the designated carriage election email address for electronic delivery of section 76.64(k) and subpart T notices to Class A stations. We seek comment on whether and how our proposal to require electronic delivery of section 76.64(k) and subpart T notices can be applied with respect to LPTV stations that are not Class A stations and to translator stations that meet the definition of a ''qualified NCE television station'' under section 615(*l*)(1) of the Act (qualified NCE translator stations). Unlike full-power and Class A television stations, non-Class A LPTV stations and qualified NCE translator stations are not subject to our OPIF rules. Accordingly, LPTV stations without Class A status and qualified NCE translator stations may need to use an alternative means to publicize a designated email address for receiving section 76.64(k) and subpart T notices if the notices are to be delivered to them electronically after July 31, 2020.[1] One potential approach, as discussed in the *Carriage Election Notice Modernization Order and FNPRM,* is to require that LPTV stations and qualified NCE translator stations post any required public-facing information on the first page of a company website. We seek comment on this approach and whether we should adopt a rule requiring that on or before July 31, 2020, LPTV stations and qualified NCE translator stations that are entitled to receive section 76.64(k) and subpart T notices must designate an email address for receiving such notices electronically. This proposed timeframe is consistent with the timeframe in which commercial and noncommercial full-power television stations must add their carriage election contact information to the OPIF. Is it reasonable to expect that all LPTV stations and qualified NCE translator stations will have an existing public-facing company website, *i.e.,* one that is easily accessible for free by the general public, on which they could publicize a designated email address for receiving the notices required by section 76.64(k) and subpart T? Would this approach ensure that cable operators are able to easily identify the designated email address for delivering the required notices to such stations? Are there other alternatives that would provide similar access to this information at minimal cost and with minimal burden? For instance, to the extent that qualified NCE translator stations are co-owned with the primary station, should we simply require that section 76.64(k) and subpart T notices to these stations be delivered electronically to the carriage-election email address designated by the primary station in its OPIF, rather than requiring that such translator stations post a designated email address on the company website? We seek comment on these issues.

11. We seek comment on the specific benefits that would accrue from our proposals and whether they would pose any burdens on cable operators and broadcast television stations. Would our proposed approach reduce the time and money spent on delivering and/or receiving the required written notices while ensuring that stations continue to receive them in a timely manner? Are there any circumstances in which a television station, or subset of television stations such as LPTV stations or qualified NCE translator stations, should be allowed to opt out of electronic delivery and continue receiving the notices via certified mail or in a non-electronic format? Are there other alternative means of delivering these notices that would better serve the needs of broadcasters and cable operators but still be less burdensome? How would such approaches work in practice? We seek comment on these issues.

12. New section 76.1600 of the Commission's rules was adopted by the Commission in the *Subscriber Notices Order and FNPRM,* MB Docket Nos. 17–317 and 17–105, FCC 18–166, and the rule allows MVPDs to deliver subscriber privacy notifications and other written information electronically to subscribers and customers via email so long as the MVPD complies with certain consumer safeguards. We propose to add to section 76.1600 a new subsection requiring that the written information provided by cable operators to broadcast television stations under section 76.64(k) and subpart T must be delivered to the station electronically via email to the email address designated by the station in the OPIF. As discussed above, we seek comment on whether non-Class A LPTV stations and qualified NCE translator stations should be required to post an email address on the first page of their websites. To avoid potential discrepancies with our proposed revision to section 76.1600, we also propose minor amendments to sections 76.64(k), 76.1607, 76.1609, and 76.1617 of our rules. Currently, sections 76.64(k), 76.1607, and 76.1617 each require that certain written information be provided to broadcast stations ''by certified mail.'' Similarly, section 76.1609 currently requires that certain notices be mailed to television stations or delivered to stations by hand.[2] We propose to add language to sections 76.64(k), 76.1607, 76.1609, and 76.1617 to reflect our proposal that cable operators be required to deliver the notices electronically to broadcast television stations via email in accordance with our proposed revision to section 76.1600. Finally, we also propose to make a minor correction to our rules in part 74 by moving our existing channel sharing rule for LPTV and TV translator stations from subpart H (Low Power Auxiliary Stations) to subpart G (Low Power TV, TV Translator, and TV Booster Stations). Our channel sharing rule for LPTV and TV translator stations is set forth in section 74.799. Because the rules in subpart G apply to LPTV stations, TV translator stations, and TV booster stations, subpart G is a more appropriate location for section 74.799 than subpart H, which contains rules for low power auxiliary stations that transmit over distances of approximately 100 meters for uses such as wireless microphones, cue and control communications, and synchronization of TV camera signals. We seek comment on the proposed rule amendments discussed above and any other rule changes that are necessary to

[1] For purposes of this paragraph, our focus is on those LPTV stations without Class A status.

[2] In addition to serving copies of the notice on the relevant television stations, the cable operator must also file the original copy of the notice with the Commission within 60 days following the provision of service to 1,000 subscribers. We are not proposing to change this aspect of the rule, which, unlike the requirements discussed above, does not require notices from cable operators to broadcast stations.

implement the proposals discussed herein.

13. Sections 76.54(e) and 76.66 of our rules contain notification requirements for DBS providers that are similar to the notification requirements for cable operators discussed above. These written notices from DBS providers must be delivered to television stations in the following circumstances: Notifying all televisions stations in a market prior to retransmitting a significantly viewed station into that market (section 76.54(e)); notifying local television stations of the provider's intent to launch new local-into-local service in the local market (section 76.66(d)(2)(i) through (ii)); notifying local television stations of the provider's intent to launch HD carry-one, carry-all in the local market (section 76.66(d)(2)(vi)); informing each local television station of the provider's intent to fulfil or deny the station's carriage request and the reasons for declining (section 76.66(d)(1)(iv), (d)(2)(v), (d)(3)(iv)); identifying each affiliate of the same television network that the DBS provider reserves the right to retransmit into a station's local market during the next carriage election cycle (section 76.66(d)(5)(i)); informing local television stations of the location of the DBS provider's local receive facility or its intent to relocate such facility (section 76.66(f)(3) through (4)); notifying local television stations when deleting a station that substantially duplicates another or adding a station that no longer duplicates another (section 76.66(h)(5)). We seek comment on whether the Commission should also require that DBS providers deliver such notices to broadcast television stations electronically after July 31, 2020, if the Commission adopts such a requirement for cable operators. The Satellite Home Viewer Extension and Reauthorization Act of 2004 added section 338(h)(2) of the Act and directed the Commission to revise its rules requiring that DBS providers notify local television stations prior to launching local-into-local service in a market. Section 338(h)(2)(C) of the Act states that ''[s]uch regulations shall require that each satellite carrier shall transmit the notices required by such regulation via certified mail to the address for such television station licensee listed in the consolidated database system maintained by the Commission.'' We seek comment on whether the statute creates an ongoing obligation for the Commission to maintain this certified mail notice requirement by regulation, or whether, once having revised our rules to satisfy section 338(h)(2)(A), we have the ability to change our notification rules pursuant to the standard notice-and-comment rulemaking process. Does section 338(h)(2) of the Act currently limit the Commission's authority to require electronic delivery of the notices that DBS providers must send to local television stations prior to launching local-into-local service in the local market? Are all the DBS notice rules subject to the restriction in section 338(h)(2), or are there some that fall outside that provision? What are the specific benefits and burdens of electronic delivery of the notices required by sections 76.54(e) and 76.66 for both broadcasters and DBS providers? If the Commission decides to require that certain such notices be delivered via email, how should the Commission revise sections 76.54(e) and 76.66 to implement such a requirement? We seek comment on these issues.

14. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) concerning the possible significant economic impact on small entities by the policies and rules proposed in the Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In summary, the NPRM proposes to revise the Commission's rules to require that cable operators distribute certain notices required by section 76.64(k) and subpart T of the Commission's rules to broadcast television stations electronically via email to the email address designated by the station as carriage election contact information in the online public file (OPIF). The NPRM seeks comment on whether and how the proposal to require electronic delivery of the section 76.64(k) and subpart T notices can be applied with respect to LPTV stations without Class A status and to translator stations that meet the definition of a ''qualified NCE television station'' under section 615(*l*)(1) of the Communications Act. In addition, the NPRM also seeks comment on whether to similarly require electronic delivery of certain notices that direct broadcast satellite (DBS) providers are required to send to broadcast television stations under sections 76.54(e) and 76.66 of the Commission's rules. The proposed action is authorized pursuant to sections 1, 4(i), 4(j), 303(r), 338, 340, 614, and 615 of the Communications Act of 1934, as amended (Act), 47 U.S.C. 151, 154(i), 154(j), 303(r), 338, 340, 534, and 535. The types of small entities that may be affected by the proposals contained in the NPRM fall within the following categories: Cable Companies and Systems (Rate Regulation Standard); Cable System Operators (Telecommunications Act Standard); Direct Broadcast Satellite (DBS) Service; and Television Broadcasting. The NPRM proposes to revise existing reporting, recordkeeping, or other compliance requirements by modernizing certain notification requirements for cable operators and DBS providers to require the use of email rather than paper delivery. There is no overlap with other regulations or laws. The NPRM seeks comment on other alternative means of delivering the notices that would better serve the needs of broadcasters and MVPDs, including small entities, but still be less burdensome than sending the notices by paper delivery.

15. *Initial Paperwork Reduction Act Analysis.* This document may result in new or revised information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 through 3520). If the Commission adopts any new or revised information collection requirement, the Commission will publish a notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

16. *Ex Parte Rules—Permit-But-Disclose.* The proceeding this Notice initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2)

summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

17. The proposed action is authorized pursuant to sections 1, 4(i), 4(j), 303(r), 338, 340, 614, and 615 of the Communications Act of 1934, as amended (Act), 47 U.S.C. 151, 154(i), 154(j), 303(r), 338, 340, 534, and 535.

List of Subjects

47 CFR Part 74

Communications equipment, Education, Radio, Reporting and recordkeeping requirements, Research, Television.

47 CFR Part 76

Administrative practice and procedure, Cable television, Equal employment opportunity, Political candidates, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 74 and 76 as follows:

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 1. The authority for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 2. Add § 74.779 to read as follows:

§ 74.779 Electronic Delivery of Notices to LPTV stations.

Beginning July 31, 2020, each licensee of a low power television station or translator station that is entitled to receive notices pursuant to section 76.64(k), 76.1601, 76.1607, or 76.1617 of this title shall post publicly on the main page of station's website an email address for electronic receipt of such notices by the station. This section does not apply to Class A television stations.

■ 3. Transfer § 74.799 from subpart H to subpart G.

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 4. The authority for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 5. Amend § 76.54 by revising the last sentence of paragraph (e) to read as follows:

§ 76.54 Significantly viewed signals; method to be followed for special showings.

* * * * *

(e) * * * Such written notice must be delivered to stations electronically in accordance with section 76.66(d)(2)(ii) of this subpart D.

* * * * *

■ 6. Amend § 76.64 by revising the second sentence of paragraph (k) to read as follows:

§ 76.64 Retransmission consent.

* * * * *

(k) * * * The cable operator must send such notification by electronic delivery, in accordance with § 76.1600, at least 60 days prior to commencing cable service. * * *

* * * * *

■ 7. Amend § 76.66 by:

■ a. Revising paragraph (d)(1)(iv) introductory text;

■ b. Adding a second sentence to paragraphs (d)(2)(ii), (v), (vi), (d)(3)(iv), (d)(5)(i), (f)(3);

■ c. Adding a sentence at the end of paragraph (f)(4); and

■ d. Adding a second sentence to paragraph (h)(5).

The additions and revision read as follows:

§ 76.66 Satellite broadcast signal carriage.

* * * * *

(d) * * *

(1) * * *

(iv) Within 30 days of receiving a television station's carriage request, a satellite carrier shall notify in writing electronically in accordance with paragraph (d)(2)(ii) of this section:

* * * * *

(2) * * *

(ii) * * * The written notices required by paragraphs (d)(1)(iv), (d)(2)(v), (d)(2)(vi), (d)(3)(iv), (d)(5)(i), (f)(3), (f)(4), and (h)(5) of this section shall be delivered electronically via email to the email address for carriage-related questions that the station lists in its public file in accordance with §§ 73.3626 and 73.3527 of part 73 of this title.

* * * * *

(v) * * * The written notices required by this paragraph shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(vi) * * * The written notices required by this paragraph shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

* * * * *

(3) * * *

(iv) * * * The written notices required by this paragraph shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(5) * * *

(i) * * * The written notices required by this paragraph shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

* * * * *

(f) * * *

(3) * * * The written notices required by this paragraph shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

(4) * * * The written notices required by this paragraph shall be delivered to stations electronically in accordance with paragraph (d)(2)(ii) of this section.

* * * * *

(h) * * *

(5) * * * The required notice to the affected television station shall be delivered to the station electronically in

accordance with paragraph (d)(2)(ii) of this section.

* * * * *

■ 8. Amend § 76.1600 by adding paragraph (e) to read as follows:

§ 76.1600 Electronic delivery of notices.

* * * * *

(e) Written information provided by cable operators to broadcast stations pursuant to §§ 76.64(k), 76.1601, 76.1607, 76.1608, 76.1609, and 76.1617 of this Part 76 must be delivered electronically to a station via email to the email address for carriage-related questions that the television broadcast station lists in its public file in accordance with §§ 73.3626 and 73.3527 of Part 73 of this title, or in the case of low power television stations or translator stations, to the email address that the station posts on its website in accordance with § 74.779 of Part 74 of this title.

■ 9. Revise § 76.1607 to read as follows:

§ 76.1607 Principal headend.

A cable operator shall provide written notice by electronic delivery, in accordance with § 76.1600, to all stations carried on its system pursuant to the must-carry rules at least 60 days prior to any change in the designation of its principal headend.

■ 10. Revise § 76.1609 to read as follows:

§ 76.1609 Non-duplication and syndicated exclusivity.

Within 60 days following the provision of service to 1,000 subscribers, the operator of each such system shall file a notice to that effect with the Commission, and provide a copy of that notice, by electronic delivery in accordance with § 76.1600, to every television station that would be entitled to exercise network non-duplication protection or syndicated exclusivity protection against the operator.

■ 11. Amend § 76.1617 by revising paragraphs (a) and (c) to read as follows:

§ 76.1617 Initial must-carry notice.

(a) Within 60 days of activation of a cable system, a cable operator must notify all qualified NCE stations of its designated principal headend by electronic delivery in accordance with § 76.1600.

* * * * *

(c) Within 60 days of activation of a cable system, a cable operator must send, by electronic delivery in accordance with § 76.1600, a copy of a list of all broadcast television stations carried by its system and their channel positions to all local commercial and noncommercial television stations, including those not designated as must-carry stations and those not carried on the system.

[FR Doc. 2019–16338 Filed 8–2–19; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 84, No. 150
Monday, August 5, 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

July 30, 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 and other forms of information technology.

Comments regarding this information collection received by September 4, 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 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. 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.

Forest Service

Title: SF–299: Application for Transportation, Utility Systems, Telecommunication and Facilities on Federal Lands and Property.

OMB Control Number: 0596–NEW.

Summary of Collection: This information collection is used by the Forest Service to evaluate and ensure that authorized uses of National Forest System (NFS) lands are in the public interest and are compatible with the agency's mission. The information helps the agency identify environmental and social impacts of special uses for purposes of compliance with the National Environmental Policy Act (NEPA) and program administration. In addition, the agency uses the information to ascertain whether the land use fee being charged for special use authorizations is based on market value. The information is collected through application forms and terms and conditions in special use authorizations and operating plans. Ongoing uses must be monitored to ensure compliance with the terms of the corresponding authorizations. In certain situations, information from the authorization holder is the only way the Forest Service can verify compliance with the terms of an authorization.

Need and Use of the Information: The information collected is used to issue permits and leases, enforce compliance with agreements, and reports are generated to ensure fees are paid (Such as Recreation Residence Cabins) & to monitor growth of the Special Use Program, this helps with budget forecasting & program development.

Description of Respondents: Individuals or households.

Number of Respondents: 5,150.

Frequency of Responses: On occasion.

Total Burden Hours: 41,200.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–16611 Filed 8–2–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0046]

Notice of Request for a Revision to and Extension of Approval of an Information Collection; Tuberculosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the bovine and captive cervid tuberculosis regulations.

DATES: We will consider all comments that we receive on or before October 4, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0046.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0046, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0046* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the domestic tuberculosis program, contact Dr. C. William Hench, Ruminant Health Center, Staff Veterinarian, Strategy and Policy, Veterinary Services, APHIS, 2150 Centre Avenue, Fort Collins, CO 80526–8117; (970) 494–7378. For more detailed information on the information collection, contact Ms. Kimberly Hardy,

APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Tuberculosis.

OMB Control Number: 0579–0146.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the interstate movement of animals and animal products to prevent the dissemination within the United States of animal diseases and pests, and for conducting programs to detect, control, and eradicate pests and diseases of livestock. As part of this mission, APHIS participates in a national cooperative State/Federal tuberculosis eradication program to eliminate bovine tuberculosis in cattle, bison, and captive cervids from the United States. This program is conducted under various States' authorities supplemented by Federal authorities regulating the interstate movement of affected animals.

The tuberculosis regulations contained in 9 CFR part 77 provide for several levels of State tuberculosis risk classifications, the creation of tuberculosis risk status zones within the same State, and the testing of regulated animals before they are permitted to move interstate. The requirements for establishing zones and testing regulated animals enhance the effectiveness of APHIS' tuberculosis eradication program by decreasing the likelihood that infected animals will be moved interstate or internationally, thus preventing the spread of tuberculosis. The requirements also provide mechanisms to help APHIS' Veterinary Services trace, locate, and eradicate regulated animals when outbreaks occur.

These regulations include information collection activities such as memoranda of understanding for zone recognition; epidemiological reviews; permits for movement of restricted animals; certificates for animals moved interstate; retention of movement certificates; tuberculosis management plans; accredited herd plans; approved herd plans; test records and results; affected herd data and herd testing results; wildlife risk surveys; monthly reports of tuberculosis eradication; reports of tuberculosis lesions; specimen submissions and collections; submissions by States of requests to APHIS for State or zone status; submissions by States of an annual report to APHIS for renewal of State or zone status; commuter herd agreements; depopulation and repopulation agreements; extension requests; tuberculosis infected herd field reports; investigations for evidence of tuberculosis; appraisals and indemnity claims; records of proceeds from animals sold to slaughter; owner participation in new tuberculosis tests; recordkeeping for approved feedlots; and application of shipping labels. These activities enhance the APHIS' ability to allow U.S. animal producers to manage bovine and captive cervid tuberculosis and compete in the world market of animal and animal product trade.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.31 hours per response.

Respondents: State animal health officials, producers and owners (including feedlot owners), accredited veterinarians, professional appraisers, and laboratory technicians.

Estimated annual number of respondents: 4,914.

Estimated annual number of responses per respondent: 18.

Estimated annual number of responses: 89,325.

Estimated total annual burden on respondents: 27,830 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 30th day of July 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–16650 Filed 8–2–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–48–2019]

Foreign-Trade Zone (FTZ) 29—Louisville, Kentucky; Notification of Proposed Production Activity; Amcor Flexibles L.L.C. (Flexible Packaging), Shelbyville, Kentucky

Amcor Flexibles L.L.C. (Amcor) submitted a notification of proposed production activity to the FTZ Board for its facility in Shelbyville, Kentucky. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 29, 2019.

Amcor already has authority to produce flexible packaging within FTZ 29. The current request would add one finished product and one foreign status material/component to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status material/component and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Amcor from customs duty payments on the foreign-status material/component used in export production. On its domestic sales, for the foreign-status material/component noted below and in the existing scope of authority, Amcor would be able to choose the duty rates during customs entry procedures that apply to finished die cut lids (duty rate 2.6%). Amcor would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material/component sourced from abroad is laminated aluminum foil (duty rate 3.0%). The request indicates that the material/component is subject to special duties under Section 232 of the Trade Expansion Act of 1962 (Section 232). The applicable Section

232 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 16, 2019.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: July 30, 2019.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2019–16665 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–106]

Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta at (202) 482–2593 or Rachel Greenberg at (202) 482–0652, AD/CVD Operations, Office V, 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 a less-than-fair-value (LTFV) investigation of imports of wooden cabinets and vanities and components thereof from the People's Republic of China.[1] Currently, the preliminary determination is due no later than August 13, 2019.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. 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 reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On July 10, 2019, the petitioner[2] submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.[3] The petitioner stated that it requests postponement to allow Commerce time to sufficiently review all questionnaires responses and request clarification and additional information as necessary.[4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than October 2, 2019. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: July 23, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–16047 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–883]

Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Amended Final Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is amending the final results of the administrative review of the antidumping duty (AD) order on certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea) to correct ministerial errors.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Justin Neuman, 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) 482–0486.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 2019, Commerce published the final results of the first administrative review of the AD order on hot-rolled steel from Korea.[1] On July 1, 2019, both ArcelorMittal USA LLC (the petitioner) and POSCO timely filed ministerial error allegations.[2] On July 8, 2019, POSCO and the petitioner filed comments rebutting each other's ministerial error allegations.[3]

[1] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 84 FR 12587 (April 2, 2019).

[2] The petitioner is the American Kitchen Cabinet Alliance.

[3] *See* Petitioner's Letter, ''Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Request for Postponement of the Preliminary Determination,'' dated July 10, 2019.

[1] *See Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 32720 (July 9, 2019).

[2] *See* Petitioner's Letter, ''Certain Hot-Rolled Steel Flat Products from the Republic of Korea—Petitioner's Ministerial Error Allegation Regarding POSCO's Margin Calculation in the Final Results,'' dated July 1, 2019; *see also* POSCO's Letter, ''Certain Hot-Rolled Steel Flat Products from the Republic of Korea, Case No. A–580–883: POSCO's Ministerial Error Allegation,'' dated July 1, 2019.

[3] *See* Petitioner's Letter, ''Certain Hot-Rolled Steel Flat Products from the Republic of Korea—Petitioner's Response to POSCO's Ministerial Error Allegation,'' dated July 8, 2019; *see also* POSCO's Letter, ''Certain Hot-Rolled Steel Flat Products from the Republic of Korea, Case No. A–580–883: POSCO Response to Petitioner's Ministerial Error Allegation,'' dated July 8, 2019.

Legal Framework

A ministerial error, as defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), includes ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.'' [4] With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review. . . .''

Ministerial Errors

According to the petitioner, Commerce committed an inadvertent error within the meaning of section 735(e) of the Act and 19 CFR 351.224(f) with respect to its calculation of total cost of manufacturing by excluding the conversion cost variable. In the formula used to calculate POSCO's total cost of manufacturing, the exclusion of the conversion cost variable resulted in POSCO's total cost of manufacturing being understated. Accordingly, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), that an unintentional ministerial error was made in the *Final Results.* Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error. Specifically, we have recalculated POSCO's total cost of manufacturing by including the missing variable.

The petitioner also alleged that Commerce inadvertently omitted certain freight expenses that should be used to cap freight revenues in the home market. In the *Final Results,* we inadvertently limited the freight expenses to inland freight—plant/warehouse to customer, while excluding inland freight—plant to warehouse and warehousing. Accordingly, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), that an unintentional ministerial error was made in the *Final Results.* Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error. Specifically, we have recalculated POSCO's home market freight expenses to include all inland freight, as well as warehousing, in the formula used to cap POSCO's home market freight revenues.

Finally, POSCO alleges that Commerce made an inadvertent error in not including an income adjustment in the calculation of POSCO's general and administrative (G&A) expense ratio. Accordingly, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), that an unintentional ministerial error was made in the *Final Results.* Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error. Specifically, we have recalculated POSCO's G&A expense ratio to include the missing income adjustment.

The revised calculation to correct the errors describe above changes the cash deposit rate for POSCO from 10.11 percent to 11.10 percent. In addition, because POSCO's dumping margin was used in the calculation of the rate for non-examined companies in the *Final Results,* our corrections to POSCO's calculation results in an adjustment to the rate for non-examined companies as well, to 8.27 percent. For a detailed discussion of these ministerial errors, as well as Commerce's analysis of the ministerial error allegations, *see* the Ministerial Error Memorandum.[5]

Amended Final Results of the Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period March 22, 2016 through September 30, 2017:

Producer or exporter	Amended final dumping margins (percent)
POSCO/POSCO Daewoo Co., Ltd	11.10
Non-examined companies [6]	8.27

Disclosure

We intend to disclose the calculation performed for these amended final results in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the amended final results of this review.

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[7] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[8] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[9] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[10]

For the companies which were not selected for individual review, we will assign an assessment rate based on the average of the cash deposit rates calculated for Hyundai Steel Company (Hyundai Steel) and POSCO. The amended final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the amended final results of this review and for future deposits of estimated duties, where applicable.[11]

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Hyundai Steel and POSCO, or the non-examined companies for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[12]

[4] *See* 19 CFR 351.224(f).

[5] *See* Memorandum, ''Ministerial Error Memorandum for the Final Results of the 2016–2017 Administrative Review of the Antidumping Duty Order on Certain Hot-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with this notice (Ministerial Error Memorandum).

[6] The non-examined companies subject to this review are: Daewoo International Corp.; Dongbu Steel Co., Ltd.; Dongkuk Industries Co., Ltd.; Marubeni-Itochu Steel Korea; Soon Hong Trading Co.; and Sungjin Co.

[7] *See* 19 CFR 351.212(b)(1).

[8] *Id.*

[9] *Id.*

[10] *See* 19 CFR 351.106(c)(2).

[11] *See* section 751(a)(2)(C) of the Act.

[12] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective retroactively, as appropriate, for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 9, 2019, the date of publication of the *Final Results* of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed in these amended final results will be equal to the weighted-average dumping margin established in the amended final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value (LTFV) investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.55 percent,[13] the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These amended final results and notice are issued and published in accordance with sections 751(h) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: July 29, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–16652 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

[13] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–819]

Acetone From Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Determination of No Shipments

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that acetone from Spain is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Preston Cox, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5041.

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 March 18, 2019.[1] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[2] 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 acetone from Spain. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations, the Initiation Notice set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope). Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.[3]

In accordance with the comments discussed below, Commerce is adding a five percent ''threshold'' to the scope description. In accordance with the threshold, a product is excluded from the scope of this investigation if the total acetone component of the product (regardless of the source or sources) comprises less than five percent of the product on a dry weight basis. Additionally, Commerce has added an illustrative list of subheadings under Chapter 38 of the HTSUS that may include subject acetone. Finally, Commerce has made other non-substantive revisions to the language of the scope in order to improve clarity.

[1] *See Acetone from Belgium, the Republic of Korea, the Kingdom of Saudi Arabia, Singapore, the Republic of South Africa, and Spain: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 9755 (March 18, 2019) (Initiation Notice).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Acetone from Spain'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] *See* Memorandum, ''Acetone from Belgium, Korea, Singapore, South Africa, and Spain: Scope Comments Preliminary Decision Memorandum,'' dated July 29, 2019.

See the revised scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences for CEPSA Quimica, S.A. (CEPSA). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

On March 25, 2019, Industrias Quimicas del Oxido de Etileno, S.A. (IQOXE), one of the two Spanish producers/exporters named in the petition,[4] timely filed a statement reporting that it had ''no exports, shipments, or sales'' of subject merchandise to the United States during the POI.[5] Subsequently, to confirm the accuracy of IQOXE's statements, Commerce queried U.S. Customs and Border Protection (CBP) data for entries of subject merchandise by IQOXE during the POI.[6] On April 19, Commerce confirmed in a memorandum that IQOXE made no shipments of acetone during the POI.[7] Furthermore, there is no evidence on the record indicating that IQOXE is affiliated with CEPSA or any producers/exports of the subject merchandise. Accordingly, Commerce preliminarily determines that IQOXE had no sales of subject merchandise during the POI, and therefore we preliminarily determine not to further examine IQOXE as part of this investigation. As such, any entries of subject merchandise exported by IQOXE will be subject to the all-others rate. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all-other producers or exporters.

Commerce has preliminarily determined the estimated weighted-average dumping margin for the individually examined respondent (*i.e.,* CEPSA) entirely under section 776 of the Act. Consequently, pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the alleged dumping margins from the petition.[8] For a full description of the methodology underlying Commerce's analysis, *see* the Preliminary Decision Memorandum.

Preliminary Determination

Commerce preliminarily determines that the following estimated dumping margins exist:

Exporter/producer	Estimated dumping margin (percent)
CEPSA Quimica, S.A	171.81
All Others	137.39

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct 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 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 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 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 dumping margin.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a 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 the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the individually examined company (*i.e.,* CEPSA) in this investigation, in accordance with section 776 of the Act, and the applied AFA rate is based solely on the highest margin alleged in the petition, there are no calculations to disclose.

Verification

Because the examined respondent in this investigation did not provide information requested by Commerce, and Commerce preliminarily determines the examined respondent has been uncooperative, we will not conduct verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination, unless the Secretary alters the time limit.[9] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[10] 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.

[4] *See* the Petitions for the Imposition of Antidumping on Imports of Acetone from Belgium, Korea, Saudi Arabia, Singapore, South Africa and Spain, dated February 19, 2019 (the Petition), Volume I at 8, 31 and Exhibit I–10.

[5] *See* Letter, ''Acetone from Spain: First Supplemental Questionnaire,'' dated March 25, 2019.

[6] *See* Memorandum, ''No Shipment Inquiry With Respect to the Company Below During the Period 01/01/2018–12/31/2018,'' dated April 16, 2019.

[7] *Id.*

[8] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; *see also Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan,* 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014).

[9] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements). Commerce has exercised its discretion under 19 CFR 351.309(c)(1)(i) to alter the time limit for submission of case briefs.

[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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.

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date 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.

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: July 29, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is all grades of liquid or aqueous acetone. Acetone is also known under the International Union of Pure and Applied Chemistry (IUPAC) name propan-2-one. In addition to the IUPAC name, acetone is also referred to as ß-ketopropane (or beta-ketopropane), ketone propane, methyl ketone, dimethyl ketone, DMK, dimethyl carbonyl, propanone, 2-propanone, dimethyl formaldehyde, pyroacetic acid, pyroacetic ether, and pyroacetic spirit. Acetone is an isomer of the chemical formula C_3H_6O, with a specific molecular formula of CH_3COCH_3 or $(CH_3)_2CO$.

The scope covers both pure acetone (with or without impurities) and acetone that is combined or mixed with other products, including, but not limited to, isopropyl alcohol, benzene, diethyl ether, methanol, chloroform, and ethanol. Acetone that has been combined with other products is included within the scope, regardless of whether the combining occurs in third countries.

The scope also includes acetone that is commingled with acetone from sources not subject to this investigation.

For combined and commingled products, only the acetone component is covered by the scope of this investigation. However, when acetone is combined with acetone components from sources not subject to this investigation, those third country acetone components may still be subject to other acetone investigations.

Notwithstanding the foregoing language, an acetone combination or mixture that is transformed through a chemical reaction into another product, such that, for example, the acetone can no longer be separated from the other products through a distillation process (*e.g.,* methyl methacrylate (MMA) or Bisphenol A (BPA)), is excluded from this investigation.

A combination or mixture is excluded from these investigations if the total acetone component (regardless of the source or sources) comprises less than 5 percent of the combination or mixture, on a dry weight basis.

The Chemical Abstracts Service (CAS) registry number for acetone is 67–64–1.

The merchandise covered by this investigation is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2914.11.1000 and 2914.11.5000. Combinations or mixtures of acetone may enter under subheadings in Chapter 38 of the HTSUS, including, but not limited to, those under heading 3814.00.1000, 3814.00.2000, 3814.00.5010, and 3814.00.5090. The list of items found under these HTSUS subheadings is non-exhaustive. Although these HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of the Investigation
V. Scope Comments
VI. Preliminary Determination of No Shipments
VII. Application of Facts Available and Use of Adverse Inference
VIII. All-Others Rate
IX. Verification
X. Conclusion

[FR Doc. 2019–16660 Filed 8–2–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–867, A–560–833, A–580–902, A–552–825]

Utility Scale Wind Towers From Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable July 29, 2019.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney at (202) 482–4475 (Canada); Brittany Bauer (202) 482–3860 (Indonesia); Rebecca Janz at (202) 482–2972 (Republic of Korea (Korea)); and Edythe Artman at (202) 482–3931 (Socialist Republic of Vietnam (Vietnam)); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On July 9, 2019, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of utility scale wind towers (wind towers) from Canada, Indonesia, Korea, and Vietnam, filed in proper form on behalf of the Wind Tower Trade Coalition (the petitioner).[1] The Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of wind towers from Canada, Indonesia, and Vietnam.

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam,'' dated July 9, 2019 (the Petitions).

During the period July 12 through 22, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.[2] The petitioner filed responses to the supplemental questionnaires between July 16 and 24, 2019.[3]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of wind towers from Canada, Indonesia, Korea, and Vietnam are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the domestic wind tower industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support necessary for the initiation of the requested AD investigations.[4]

Periods of Investigation

Because the Petitions were filed on July 9, 2019, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Canada, Indonesia, and Korea investigations is July 1, 2018 through June 30, 2019. Because Vietnam is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the Vietnam investigation is January 1, 2019 through June 30, 2019.

Scope of the Investigations

The product covered by these investigations is wind towers from Canada, Indonesia, Korea, and Vietnam. For a full description of the scope of these investigations, *see* the Appendix to this notice.

Scope Comments

During our review of the Petitions, we contacted the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[5] As a result, the scope of the Petitions was modified to clarify the description of the merchandise covered by the Petitions. The description of the merchandise covered by these investigations, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[6] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[7] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on August 19, 2019, which is 20 calendar days from the signature date of this notice.[8] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on August 29, 2019, which is 10 calendar days from the initial comment deadline.[9]

Commerce requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must also be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics

[2] *See* Commerce's Letters, ''Petitions for the Imposition of Antidumping Duties on Imports of Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam and Countervailing Duties on Imports of Utility Scale Wind Towers from Canada, Indonesia, and the Socialist Republic of Vietnam: Supplemental Questions,'' dated July 12, 2019; and, ''Petition for the Imposition of Antidumping Duties on Imports of Utility Scale Wind Towers from Canada: Supplemental Questions,'' ''Petition for the Imposition of Antidumping Duties on Imports of Utility Scale Wind Towers from Indonesia: Supplemental Questions,'' ''Petition for the Imposition of Antidumping Duties on Imports of Utility Scale Wind Towers from the Republic of Korea: Supplemental Questions,'' and ''Petition for the Imposition of Antidumping Duties on Imports of Utility Scale Wind Towers from the Socialist Republic of Vietnam: Supplemental Questions,'' all dated July 15, 2019; *see also* Memoranda, ''Phone Call with Counsel to the Petitioner,'' dated July 15, 2019; ''Phone Call with Counsel to the Petitioner,'' dated July 18, 2019; and, ''Phone Call with Counsel to the Petitioner,'' dated July 22, 2019.

[3] *See* Petitioner's Letters, ''Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Responses to First Supplemental Questions on Common Issues and Injury Volume I of the Petition,'' dated July 16, 2019 (General Issues Supplement); ''Utility Scale Wind Towers from Canada: Responses to First Supplemental Questions on Canada Volume II of the Petition,'' ''Utility Scale Wind Towers from Indonesia: Responses to First Supplemental Questions on Indonesia Volume III of the Petition,'' and Utility Scale Wind Towers from the Socialist Republic of Vietnam: Responses to First Supplemental Questions on Vietnam Volume V of the Petition,'' each dated July 18, 2019; ''Utility Scale Wind Towers from the Republic of Korea: Responses to First Supplemental Questions on Korea Volume IV of the Petition,'' dated July 19, 2019; ''Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Responses to Second Supplemental Questions on Common Issues and Injury Volume I of the Petition,'' dated July 19, 2019 (Scope Supplement); ''Utility Scale Wind Towers from Canada: Responses to Second Supplemental Questions on Canada Volume II of the Petition,'' ''Utility Scale Wind Towers from Indonesia: Responses to Second Supplemental Questions on Indonesia Volume III of the Petition,'' ''Utility Scale Wind Towers from the Republic of Korea: Responses to Second Supplemental Questions on Volume IV of the Petition,'' and ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Responses to Second Supplemental Questions on Vietnam Volume V of the Petition,'' each dated July 24, 2019.

[4] *See* the ''Determination of Industry Support for the Petitions'' section, *infra.*

[5] *See* General Issues Supplement; *see also* Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated July 18, 2019; and Scope Supplement.

[6] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[8] Because the deadline falls on a Sunday (*i.e.,* August 18, 2019), the deadline becomes the next business day (*i.e.,* August 19, 2019).

[9] *See* 19 CFR 351.303(b).

[10] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

of wind towers to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to develop appropriate product-comparison criteria, as well as to report the relevant factors of production (FOPs) accurately.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics, and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe wind towers, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on August 19, 2019, which is 20 calendar days from the signature date of this notice.[11] Any rebuttal comments must be filed by 5:00 p.m. ET on August 29, 2019. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the AD investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the Act directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[12] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the Petitions.[14] Based on our analysis of the information submitted on the record, we have determined that wind towers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[15]

On July 26, 2019, we received industry support challenges from Marmen Energy Co. (Marmen) and Vestas Towers America, Inc. (Vestas), U.S. producers of wind towers.[16] On July 29, 2019, the petitioner responded to the standing challenges from Marmen and Vestas.[17] Based on information provided in the Petitions and in the letters from Marmen and Vestas, the share of total U.S. production of the domestic like product in calendar year 2018 represented by the supporters of the Petitions did not account for more than 50 percent of the total production of the domestic like product. Therefore, in accordance with section 732(c)(4)(D) of the Act, we relied on other information to determine industry support.[18] In determining whether the petitioner has standing under sections 732(c)(4)(A) and 732(c)(4)(D) of the Act, we considered the industry support data contained in the Petitions and other information on the record with

[11] *See* 19 CFR 351.303(b). Because the deadline falls on a Sunday (*i.e.,* August 18, 2019), the deadline becomes the next business day (*i.e.,* August 19, 2019).

[12] *See* section 771(10) of the Act.

[13] *See, e.g., USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[14] *See* Volume I of the Petitions, at 17–18 and Exhibits I–9 and I–14; *see also* General Issues Supplement, at 1–2 and Exhibit I–Supp–2; and Scope Supplement, at 1 and Exhibit I–Supp2–1.

[15] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Antidumping Duty Investigation Initiation Checklist: Utility Scale Wind Towers from Canada (Canada AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam (Attachment II); Antidumping Duty Investigation Initiation Checklist: Utility Scale Wind Towers from Indonesia (Indonesia AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Utility Scale Wind Towers from the Republic of Korea (Korea AD Initiation Checklist), at Attachment II; and Antidumping Duty Investigation Initiation Checklist: Utility Scale Wind Towers from the Socialist Republic of Vietnam (Vietnam AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and are on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Commerce building.

[16] *See* Marmen's Letter, ''Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Standing Challenge,'' dated July 26, 2019 (Marmen Letter); *see also* Vestas' Letter, ''Utility Scale Wind Towers from Canada, Indonesia, South Korea, and Vietnam: Vestas Towers America, Inc.'s Comments on Industry Support,'' dated July 26, 2019 (Vestas Letter).

[17] *See* Petitioner's Letter, ''Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Response to Standing Challenge and Comments on Industry Support,'' dated July 29, 2019 (Petitioner Letter).

[18] For further discussion, *see* Canada AD Initiation Checklist, at Attachment II; *see also* Indonesia AD Initiation Checklist, at Attachment II; Korea AD Initiation Checklist, at Attachment II; and Vietnam AD Initiation Checklist, at Attachment II.

reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the Appendix to this notice. To establish industry support, the petitioner provided its own 2018 production of the domestic like product, as well as the 2018 production by the supporters of the Petitions. Other information on the record establishes the total 2018 production of other U.S. producers of the domestic like product.

Section 732(c)(4)(B) of the Act states that (i) Commerce ''shall disregard the position of domestic producers who oppose the petition if such producers are related to foreign producers, as defined in section 771(4)(B)(ii), unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an antidumping duty order;'' and (ii) Commerce ''may disregard the position of domestic producers of a domestic like product who are importers of the subject merchandise.'' In addition, 19 CFR 351.203(e)(4) states that the position of a domestic producer that opposes the petition (i) will be disregarded if such producer is related to a foreign producer or to a foreign exporter under section 771(4)(B)(ii) of the Act, unless such domestic producer demonstrates to the Secretary's satisfaction that its interests as a domestic producer would be adversely affected by the imposition of an antidumping order; and (ii) may be disregarded if the producer is an importer of the subject merchandise or is related to such an importer under section 771(4)(B)(ii) of the Act. Certain producers of the domestic like product that opposed the Petitions are related to foreign producers and/or imported subject merchandise from the subject countries. We have analyzed the information provided by the petitioner and information provided in the submissions from Marmen and Vestas. Based on our analysis, we have determined that it is appropriate to disregard the opposition to the Petitions from certain producer(s) pursuant to section 732(c)(4)(B) of the Act. When the opposition to the Petitions is disregarded, the industry support requirements of section 732(c)(4)(A) of the Act are satisfied.[19]

Based on our analysis and review of the information on the record, we have determined that the petitioner has established industry support for the Petitions.[20] The information on the record demonstrates that the domestic producers of wind towers who support the Petitions account for at least 25 percent of the total production of the domestic like product and, once certain opposition is disregarded, account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[21] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports from Canada, Indonesia, Korea, and Vietnam each exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[22]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; lost sales and lost revenues; underselling and price depression or suppression; negative impact on the domestic industry's production, shipments, capacity utilization, and employment; and declining financial performance.[23] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[24]

Allegations of Sales at LTFV

The following is a description of the allegation of sales at LTFV upon which Commerce based its decision to initiate AD investigations of imports of wind towers from Canada, Indonesia, Korea, and Vietnam. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the AD Initiation Checklist for each country.

Export Price

For Canada, Indonesia, Korea, and Vietnam, the petitioner based export price (EP) on sales of wind towers produced in, and exported from, those countries and sold in the United States, valued using the average unit values (AUVs) of publicly available import data.[25] For Canada, the petitioner also calculated EP based upon a sales offer from a Canadian producer.[26]

Normal Value

For Canada, Indonesia, and Korea, the petitioner was unable to obtain information relating to the prices charged for wind towers in Canada, Indonesia, Korea, or any third country market.[27] Because home market and third country prices were not reasonably available, the petitioner calculated NV based on constructed value (CV). For further discussion of CV, *see* the section ''Normal Value Based on Constructed Value.'' [28]

With respect to Vietnam, Commerce considers Vietnam to be an NME country.[29] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by Commerce. Therefore, we continue to treat Vietnam

[19] *See* Canada AD Initiation Checklist, at Attachment II; *see also* Indonesia AD Initiation Checklist, at Attachment II; Korea AD Initiation Checklist, at Attachment II; and Vietnam AD Initiation Checklist, at Attachment II.

[20] *See* Canada AD Initiation Checklist, at Attachment II; *see also* Indonesia AD Initiation Checklist, at Attachment II; Korea AD Initiation Checklist, at Attachment II; and Vietnam AD Initiation Checklist, at Attachment II.

[21] *See* Canada AD Initiation Checklist, at Attachment II; *see also* Indonesia AD Initiation Checklist, at Attachment II; Korea AD Initiation Checklist, at Attachment II; and Vietnam AD Initiation Checklist, at Attachment II.

[22] *See* Volume I of the Petitions, at 31–32 and Exhibit I–17.

[23] *Id.* at 15–16, 20–48 and Exhibits I–4, I–6, I–8, I–9, I–14, I–17 and I–19 through I–28.

[24] *See* Canada AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam (Attachment III); *see also* Indonesia AD Checklist, at Attachment III; Korea AD Initiation Checklist, at Attachment III; and Vietnam AD Initiation Checklist, at Attachment III.

[25] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; Korea AD Initiation Checklist; and Vietnam AD Initiation Checklist.

[26] *See* Canada AD Initiation Checklist.

[27] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; and Korea AD Initiation Checklists.

[28] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for this investigation, Commerce will request information necessary to calculate the CV and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. Commerce no longer requires a COP allegation to conduct this analysis.

[29] *See Certain Steel Nails from the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014–2016,* 82 FR 26050 (June 6, 2017), unchanged in *Certain Steel Nails from the Socialist Republic of Vietnam: Final Results of Antidumping Administrative Review; 2014–2016,* 82 FR 45266 (September 28, 2017).

as an NME for purposes of the initiation of this investigation. Accordingly, NV in Vietnam is appropriately based on FOPs and surrogate financial ratios from a surrogate market economy country, in accordance with section 773(c) of the Act.[30]

The petitioner claims that India is an appropriate surrogate country for Vietnam, because it is a market economy country that is at a level of economic development comparable to that of Vietnam, it is a significant producer of comparable merchandise, and public information from India is available to value all material input factors.[31] Based on the information provided by the petitioner, we determine that it is appropriate to use India as a surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by the Vietnamese producers/exporters is not available, the petitioner relied on the production experience of a U.S. wind tower producer as an estimate of Vietnamese manufacturers' FOPs.[32] The petitioner valued the estimated FOPs using surrogate values from India and used the average POI exchange rate to convert the data to U.S. dollars.[33]

Normal Value Based on Constructed Value

As noted above, the petitioner was unable to obtain information relating to the prices charged for wind towers in Canada, Indonesia, and Korea, or any third country market; accordingly, the petitioner based NV on CV.[34] Pursuant to section 773(e) of the Act, CV consists of the cost of manufacturing (COM), selling, general, and administrative (SG&A) expenses, financial expenses, packing expenses, and profit. For Canada, Indonesia, and Korea, the petitioner calculated the COM based on the input factors of production and usage rates from a U.S. producer of wind towers. The input factors of production were valued using publicly available data on costs specific to Canada, Indonesia, and Korea during the proposed POI.[35] Specifically, the prices for raw materials, reclaimed steel scrap, and packing inputs were valued using publicly available import data for Canada, Indonesia, and Korea.[36] Labor and energy costs were valued using publicly available sources for Canada, Indonesia, and Korea.[37] The petitioner calculated factory overhead, SG&A, and profit for Canada, Indonesia, and Korea based on the average ratios found in the experience of a producer of comparable merchandise from each of these countries.[38]

Fair Value Comparisons

Based on the data provided by the Petitions there is reason to believe that imports of wind towers from Canada, Indonesia, Korea, and Vietnam are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for wind towers for each of the countries covered by this initiation are as follows: (1) Canada—53.63 and 61.59 percent; [39] (2) Indonesia—26.00 and 47.19 percent; [40] (3) Korea—280.69 and 331.26 percent; [41] and (4) Vietnam—39.97 to 65.96 percent.[42]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of wind towers from Canada, Indonesia, Korea, and Vietnam are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

The petitioner named four companies in Canada,[43] two companies in Indonesia,[44] and three companies in Korea [45] as producers/exporters of wind towers. Following standard practice in AD investigations involving market economy countries, in the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select respondents in Canada and Korea based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) numbers listed with the scope in the Appendix.[46]

On July 22, 2019, Commerce released CBP data on imports of wind towers from Canada, Korea, and Vietnam under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of these investigations.[47]

The CBP data identified only one company as a producer/exporter of wind towers in Indonesia: PT Kenertec Power System (Kenertec).[48] Kenertec was also identified in the petition as a producer/exporter of wind towers from Indonesia.[49] Accordingly, because there are no other producers/exporters identified in the CBP data, Commerce intends to examine the sole producer/exporter identified in the CBP data. Parties wishing to comment on the selection of Kenertec as a mandatory respondent must do so within three days of the publication of this notice. Any such comments must be submitted no later than 5:00 p.m. ET on the due date and must be filed electronically via ACCESS. Commerce will not accept

[30] *See* Vietnam AD Initiation Checklist.

[31] *See* Volume V of the Petition at 10–13.

[32] *See* Vietnam AD Initiation Checklist.

[33] *Id.*

[34] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; and Korea AD Initiation Checklist.

[35] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; and Korea AD Initiation Checklist.

[36] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; and Korea AD Initiation Checklist.

[37] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; and Korea AD Initiation Checklist.

[38] *See* Canada AD Initiation Checklist; Indonesia AD Initiation Checklist; and Korea AD Initiation Checklist.

[39] *See* Canada AD Initiation Checklist.

[40] *See* Indonesia AD Initiation Checklist.

[41] *See* Korea AD Initiation Checklist.

[42] *See* Vietnam AD Initiation Checklist.

[43] *See* Volume I of the Petitions, at Exhibit I–16.

[44] *Id.*

[45] *Id.*

[46] *See, e.g., Polyester Textured Yarn from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 58223, 58227 (November 19, 2018).

[47] *See* Memorandum, ''Utility Scale Wind Towers from Canada: Release of Customs Data from U.S. Customs and Border Protection,'' dated July 22, 2019; Memorandum, ''Utility Scale Wind Towers from the Republic of Korea: Release of Customs Data from U.S. Customs and Border Protection,'' dated July 22, 2019; and Memorandum, ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: U.S. Customs and Border Protection Data,'' dated July 22, 2019.

[48] *See* Memorandum, ''Utility Scale Wind Towers from Indonesia: Release of U.S. Customs and Border Protection Data,'' dated July 22, 2019.

[49] *See* Volume I of the Petitions, at Exhibit I–16.

rebuttal comments regarding the CBP data or respondent selection.

The petitioner stated that CS Wind Vietnam Co. (CS Wind) is the only Vietnamese wind tower producer that is not currently subject to the existing AD order [50] on wind towers from Vietnam and, thus, the only company for which the Petition was filed with respect to Vietnam.[51] As such, we will not conduct respondent selection based on quantity and value (Q&V) questionnaires as the Vietnam AD investigation only applies to CS Wind.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers normally must submit a separate-rate application.[52] However, applicants which have been selected as mandatory respondents prior to the deadline for submission of separate rate applications are not required to file a separate rate application. Because CS Wind is the only company for which the Petition was filed with respect to Vietnam, CS Wind will be eligible for consideration for separate-rate status only if it responds to all parts of Commerce's AD questionnaire as a mandatory respondent.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.[53]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Canada, Indonesia, Korea, and Vietnam via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of wind towers from Canada, Indonesia, Korea, and/or Vietnam are materially injuring, or threatening material injury to, a U.S. industry.[54] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[55] Otherwise, the investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [56] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[57] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of CV under section 773(e) of the Act.[58] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due

[50] *See 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).

[51] *See* Volume I of the Petitions at 1 n.1.

[52] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[53] *See* Policy Bulletin 05.1 at 6.

[54] *See* section 733(a) of the Act.

[55] *Id.*

[56] *See* 19 CFR 351.301(b).

[57] *See* 19 CFR 351.301(b)(2).

[58] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[59] Parties must use the certification formats provided in 19 CFR 351.303(g).[60] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: July 29, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigations

The merchandise covered by these investigations consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers 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, unless those components are shipped with the tower sections.

Further, excluded from the scope of the antidumping duty investigations are any products covered by the existing antidumping duty order on utility scale wind towers from the Socialist Republic of Vietnam. *See 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).

Merchandise covered by these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.,* accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

[FR Doc. 2019–16655 Filed 8–2–19; 8:45 am]

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[59] *See* section 782(b) of the Act.

[60] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–837]

Glycine From Thailand: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that glycine from Thailand is being, or is likely to be, sold in the United States at less than fair value (LTFV). In addition, Commerce determines that critical circumstances exist with respect to certain imports of the subject merchandise. The period of investigation (POI) is January 1, 2017 through December 31, 2017. The final estimated weighted-average dumping margins are listed below in the ''Final Determination'' section of this notice.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Jesus Saenz, AD/CVD, 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) 482–8184, respectively.

SUPPLEMENTARY INFORMATION:

Background

The petitioners in this investigation are GEO Specialty Chemicals, Inc. and Chattem Chemicals, Inc. (collectively, the petitioners). The mandatory respondent in this investigation is Newtrend Food Ingredient (Thailand) Co., Ltd. (Newtrend Thailand).

The events that occurred since Commerce published the *Preliminary Determination* [1] on October 31, 2018 and postponed the final determination until March 15, 2019 are discussed in the Issues and Decision Memorandum.[2]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from

[1] *See Glycine from Thailand Preliminary Determination of Sales at Not Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination,* 83 FR 54717 (October 31, 2018) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Glycine from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

December 22, 2018 through the resumption of operations on January 29, 2019.[3] Commerce revised the deadline for the final determination in this investigation to April 24, 2019.

On March 19, 2019, the petitioners submitted new factual information (NFI) on the record of this investigation, which included the notice of U.S. Customs and Border Protection's (CBP's) commencement of a formal investigation and imposition of interim measures (*CBP Interim Measures*) under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015 (also referred to as the Enforce and Protect Act or EAPA).[4] Commerce accepted the NFI and provided interested parties with an opportunity to comment. On April 24, 2019, Commerce postponed until further notice the issuance of the final determination in this investigation, in order to further investigate this matter.[5] We subsequently issued to Newtrend Thailand additional requests for sales and cost information relevant to this matter. Newtrend Thailand timely responded to these requests for information, and Commerce subsequently conducted verification of the additional information submitted.

We invited interested parties to comment on the *Preliminary Determination* and on events that occurred since the publication of that determination. A detailed summary of the events that occurred in this investigation since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, can be found in the Issues and Decision Memorandum.

Scope of the Investigation

The product covered by this investigation is glycine from Thailand. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation'' in Appendix I of this notice.

Scope Comments

We invited parties to comment on Commerce's Preliminary Scope Decision Memorandum.[6] Commerce reviewed the briefs submitted by interested parties, considered the arguments therein, and made no changes to the scope of the investigation. For further discussion, *see* Commerce's Scope Comments Final Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II. 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 *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B–8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), from November to December 2018 and during June 2019, Commerce conducted verifications of Newtrend Thailand's sales and cost information. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by Newtrend Thailand.[8]

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties and our verification findings, we find that facts available with an adverse inference is warranted for Newtrend Thailand in the final determination in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For further discussion, *see* ''Use of Adverse Facts Available'' section below and the Issues and Decision Memorandum.

Use of Adverse Facts Available

Newtrend Thailand, the sole mandatory respondent, failed to provide critical information in determining its cost of production of glycine during the POI, rendering its reported costs unreliable and unusable for purposes of calculating an accurate estimated weighted-average dumping margin. Therefore, pursuant to section 776(a) and (b) of the Act, we find that the application of facts available with an adverse inference is warranted with respect to Newtrend Thailand in the final determination. In applying total adverse facts available (AFA), Commerce has determined that Newtrend Thailand's estimated weighted-average dumping margin is 227.17 percent, which is the highest dumping margin alleged in the Petition, as supplemented on April 9, 2018, and will apply this margin to its exports of glycine to the United States.[9] For further discussion, *see* the Issues and Decision Memorandum at Comment 1.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce estimate the weighted-average dumping margin for all other producers or exporters equal to the weighted average of the estimated weighted-average dumping margins of those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely on facts available pursuant to section 776 of the Act. Section 735(c)(5)(B) of the

[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* Petitioners' Letter, ''Glycine from Thailand: Request to Accept U.S. Customs and Border Protection's Interim Measures,'' dated March 19, 2019.

[5] *See* Memorandum from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Jeffrey I. Kessler, Assistant Secretary for Enforcement and Compliance, ''Postponement of the Final Determinations in the Less-Than-Fair Value and Countervailing Duty Investigations of Glycine from Thailand,'' dated April 24, 2019.

[6] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated August 27, 2018 (Preliminary Scope Decision Memorandum).

[7] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Final Determinations,'' dated April 24, 2019 (Scope Comments Final Decision Memorandum).

[8] For a discussion of our verification findings, *see* ''U.S. Verification of the Sales Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Antidumping Investigation of Glycine from Thailand,'' dated March 14, 2019; ''Home Market Verification of the Sales Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Antidumping Investigation of Glycine from Thailand'' and ''Verification of Cost Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Antidumping Duty Investigation of Glycine from Thailand'' both dated March 15, 2019; and ''Verification of the Questionnaire Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Antidumping Investigation of Glycine from Thailand with Respect to the Transshipment Allegation'' and ''2nd Verification of Cost Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Antidumping Duty Investigation of Glycine from Thailand,'' both dated June 20, 2019.

[9] *See* Petitioners' Letter, ''Glycine from Thailand: Petition for the Imposition of Antidumping Duties,'' dated March 28, 2018 (Petition); and Petitioners' Letter, ''Glycine from Thailand: Responses to Second Supplemental Questionnaire,'' dated April 9, 2018 (Thailand AD Second Petition Supplement), at Exhibit TA–2S5.

Act provides that when, as here, each of the estimated weighted-average dumping margins established for all exporters or producers individually examined are zero, *de minimis,* or based entirely on facts available, Commerce may use any reasonable method to establish the rate for all other exporters or producers. In such a situation, Commerce's practice has been to determine the estimated weighted-average dumping margin for all other producers or exporters as the simple average of the dumping margins alleged in the Petition,[10] which we have done for this final determination.[11]

Final Affirmative Determination of Critical Circumstances, in Part

In accordance with section 733(e)(1) of the Act and 19 CFR 351.206, we preliminarily determined that critical circumstances did not exist with respect to imports of glycine because that subject merchandise was not being, or was not likely to be, sold in the United States at LTFV.[12] However, in this final determination, in accordance with section 735(a)(3) and 19 CFR 351.206, we find that critical circumstances exist with respect to subject merchandise produced or exported by Newtrend Thailand, but do not exist with respect to all other producers or exporters. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Issues and Decision Memorandum.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter or producer	Estimated weighted-average dumping margin (percent)
Newtrend Food Ingredient (Thailand) Co., Ltd	227.17
All Others	201.59

[10] *See, e.g., Silicon Metal From Australia: Affirmative Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances in Part,* 83 FR 9839, 9840 (March 8, 2018); *Certain Uncoated Paper from Australia: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, In Part,* 81 FR 3108 (January 20, 2016); and *Notice of Preliminary Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Turkey,* 73 FR 5508 (January 30, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Turkey,* 73 FR 19814 (April 11, 2008).

[11] *See* Petition; Thailand AD Second Petition Supplement, at Exhibit TA–2S5.

[12] *See Preliminary Determination,* 83 FR at 54717, and accompanying PDM at 16.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of its 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). However, in this investigation, Commerce applied AFA to the sole respondent, Newtrend Thailand, in accordance with section 776 of the Act, the applied AFA rate is based solely on the Petition, and the all-others rate is a simple average of the Petition rates.[13] Therefore, there are no margin calculations to disclose.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) and (C) of the Act, for this final determination, we will direct CBP to suspend liquidation of all entries of glycine from Thailand, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after the date of publication in the **Federal Register** of this notice. Section 735(c)(4)(C) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the suspension of liquidation was first ordered.

For entries made by Newtrend Thailand, in accordance with section 735(c)(4)(C) of the Act, because we find that critical circumstances exist, we will instruct CBP to suspend liquidation of all appropriate entries of glycine from Thailand which were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date of publication of this notice. For entries made by companies covered by the all-others rate, because we find that critical circumstances do not exist, we will not give CBP such instructions.

Further, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for Newtrend Thailand will be equal to the (estimated) weighted-average dumping margin determined in this final 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 or exporters will be equal to the all-others (estimated) weighted-average dumping margin determined in this final determination.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. In the concurrent CVD investigation of glycine from Thailand, however, Commerce did not make an affirmative determination for countervailable export subsidies. Therefore, Commerce has not offset the estimated weighted-average dumping margins by countervailable export subsidies.

These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of glycine from Thailand no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded or canceled. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Suspension of Liquidation'' section.

Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of

[13] *See Glycine from India, Japan, and Thailand: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 17995 (April 17, 2018), and accompanying Antidumping Duty Investigation Initiation Checklist: Glycine from Thailand, at 13.

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.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: July 29, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is glycine at any purity level or grade. This includes glycine of all purity levels, which covers all forms of crude or technical glycine including, but not limited to, sodium glycinate, glycine slurry and any other forms of amino acetic acid or glycine. Subject merchandise also includes glycine and precursors of dried crystalline glycine that are processed in a third country, including, but not limited to, refining or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope glycine or precursors of dried crystalline glycine. Glycine has the Chemical Abstracts Service (CAS) registry number of 56–40–6. Glycine and glycine slurry are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.43.00. Sodium glycinate is classified in the HTSUS under 2922.49.80.00. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Margin Calculations
V. Adjustment for Countervailable Export Subsidies
VI. Affirmative Determination of Critical Circumstances
VII. Discussion of the Issues
Comment 1 Application of Adverse Facts Available (AFA)
Comment 2 *CBP Interim Measures*
VIII. Recommendation

[FR Doc. 2019–16663 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products From Japan: Final Results of the Expedited First Five-Year 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 diffusion-annealed nickel-plated flat-rolled steel products from Japan would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Ian Hamilton, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4798.

SUPPLEMENTARY INFORMATION:

Background

On May 29, 2014, Commerce published its antidumping duty order on diffusion-annealed nickel-plated flat-rolled steel products from Japan in the **Federal Register**.[1] On April 1, 2019, Commerce published the notice of initiation of the first sunset review of the antidumping duty order on diffusion-annealed nickel-plated flat-rolled steel products from Japan,[2] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3] Commerce received a notice of intent to participate from Thomas Steel Strip Corporation (Thomas), within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] Thomas claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of diffusion-annealed nickel-plated flat-rolled steel products.

Commerce received a substantive response from Thomas[5] within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On May 24, 2019, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[6] 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 this antidumping duty order.

Scope of the Order

The diffusion-annealed, nickel-plated flat-rolled steel products included in this order are flat-rolled, cold-reduced steel products, regardless of chemistry; whether or not in coils; either plated or coated with nickel or nickel-based alloys and subsequently annealed (*i.e.,* ''diffusion-annealed''); whether or not painted, varnished or coated with plastics or other metallic or nonmetallic substances; and less than or equal to 2.0 mm in nominal thickness. For purposes of this order, ''nickel-based alloys'' include all nickel alloys with other metals in which nickel accounts for at least 80 percent of the alloy by volume.

Imports of merchandise included in the scope of this order are classified primarily under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000, but may also be classified under HTSUS subheadings 7210.70.6090, 7212.40.1000, 7212.40.5000, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.90.0010, 7220.90.0015, 7225.99.0090, or 7226.99.0180. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. For a complete description of the scope of the *Order,*

[1] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816 (May 29, 2014) (*Order*).

[2] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816 (May 29, 2014) (*Order*). Consistent with the *Final Determination,* we applied the following weighted-average dumping margins for the two mandatory respondents, one of which was based entirely on adverse facts available: (1) Toyo Kohan Co., Ltd., 45.42 percent; and (2) Nippon Steel & Sumitomo Metal Corporation, 77.70 percent. The All Others dumping margin was established as 45.42 percent. *Id.* at 30817.

[3] *See Initiation of Five-Year (Sunset) Review,* 84 FR 12227 (April 1, 2019) (*Initiation*).

[4] *See* Thomas' Letter, ''Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Notice of Intent to Participate,'' dated April 16, 2019.

[5] *See* Thomas' Letter, ''Diffusion-Annealed, Nickel-Plated Flat Steel Products from Japan: Thomas's Substantive Response to the Notice of Initiation of Five-Year (Sunset) Review of Antidumping Duty Order,'' dated May 1, 2019.

[6] *See* Commerce Letter, ''Sunset Review Initiated on April 1, 2019,'' dated May 24, 2019.

see the accompanying Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum are the likelihood of continuation or recurrence of dumping, and the magnitude of the margins of dumping likely to prevail if this order were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via the 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 Commerce building. A list of topics discussed in the Issues and Decision Memorandum is included as an Appendix to this notice. 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 Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on diffusion-annealed nickel-plated flat-rolled steel products from Japan would be likely to lead to continuation or recurrence of dumping at weighted-average margins up to 77.70 percent.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to an 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.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products from Japan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: July 30, 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. History of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Dumping Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2019–16654 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Jiangsu Senmao) has not made sales of multilayered wood flooring (wood flooring) from the People's Republic of China (China) at prices below normal value during the period of review (POR) December 1, 2016 through November 30, 2017. We also determine that the use of facts otherwise available is warranted with respect to the Sino-Maple (Jiangsu) Co., Ltd. (Sino-Maple) and the China-wide entity.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Michael Bowen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–6478 and 202–482–0768, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of the administrative review in the **Federal Register** on December 21, 2018.[1] For the events that occurred since Commerce published the *Preliminary Results, see* the Issues and Decision Memorandum.[2] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

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] The revised deadline for the final results was May 30, 2019. On May 24, 2019, we extended this deadline to July 29, 2019.[4]

Scope of the Order [5]

The product covered by the *Order* is wood flooring from China. A full description of the scope of the order is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice.[6] The Issues and Decision Memorandum is a public document and is on file electronically

[1] See *Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2016–2017,* 83 FR 65630 (December 21, 2018) (*Preliminary Results*), and accompanying Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Multilayered Wood Flooring from the People's Republic of China; 2016–2017''.

[2] *See* Memorandum, ''Issues and Decision Memorandum: Multilayered Wood Flooring from the People's Republic of China; 2016–2017'' (Issues and Decision Memorandum), dated concurrently with and hereby adopted by the notice.

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Multilayered Wood Flooring from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2016–2017,'' dated May 24, 2019.

[5] *See Multilayered Wood Flooring from the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011), as amended in *Multilayered Wood Flooring from the People's Republic of China,* 77 FR 5484 (February 3, 2012) (collectively, *Order*).

[6] *See* Appendix I.

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 at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and electronic version of the Issues and Decision Memorandum are identical in content.

Changes From the Preliminary Results

Based on our analysis of the comments received, Commerce made certain revisions to the rates assigned to Sino-Maple, the China-wide entity, and the non-examined, separate rate respondents. The Issues and Decision Memorandum contains descriptions of these revisions.

Final Determination of No Shipments

In the *Preliminary Results,* Commerce determined that certain companies did not have shipments of subject merchandise during the POR. Although we received no information to contradict our preliminary determination with respect to those companies, based on information received since the *Preliminary Results,* we determine that two additional companies, Jiangsu Keri Wood Co., Ltd. and Dalian Guhua Wooden Product Co. Ltd., did not have shipments during the POR.[7] Therefore, for these companies (listed in Appendix II), we will issue appropriate instructions that are consistent with our ''automatic assessment'' clarification.[8]

Separate Rates

In the *Preliminary Results,* we determined that Jiangsu Senmao, Sino-Maple, and several additional companies who were not selected for individual review demonstrated their eligibility for separate rates, and we continue to do so in these final results. In addition, we determine that Guangdong Yihua Timber Industry Co., Ltd. is eligible for a separate rate.[9]

Rate for Non-Examined Separate Rate Respondents

The statute and our regulations do not address the establishment of a rate to be assigned to respondents not selected for individual examination when we limit our examination of companies subject to the administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, we look to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents not individually examined in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available} (FA).'' Accordingly, Commerce's usual practice in determining the rate for separate-rate respondents not selected for individual examination, has been to average the weighted-average dumping margins for the selected companies, excluding rates that are zero, *de minimis,* or based entirely on AFA.[10] However, when the weighted-average dumping margins established for all individually investigated respondents are zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act permits Commerce to ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.''

Furthermore, Congress, in the SAA, stated that when ''the dumping margins for all of the exporters and producers that are individually investigated are determined entirely on the basis of the facts available or are zero or de minimis . . . {t}he expected method in such cases will be to weight-average the zero and the *de minimis* margins and margins determined pursuant to the facts available.'' [11] For the final results of this review, we continue to determine the estimated dumping margin for each of the individually examined respondents to be zero or based entirely on AFA. Thus, we assigned to all eligible non-selected respondents the simple average of the separate rates assigned to Jiangsu Senmao and Sino-Maple.[12]

Final Results

For the companies subject to this review, including the China-wide entity and companies which established their eligibility for a separate rate, Commerce determines that the following weighted-average dumping margins exist for the period December 1, 2016 through November 30, 2017:

Exporters	Weighted average dumping margin (percent)
The China-Wide Entity	85.13
Sino-Maple (Jiangsu) Co., Ltd.	85.13
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	0.00
A&W (Shanghai) Woods Co., Ltd.	42.57
Benxi Flooring Factory (General Partnership)	42.57
Benxi Wood Company	42.57
Dalian Dajen Wood Co., Ltd.	42.57
Dalian Huilong Wooden Products Co., Ltd.	42.57
Dalian Jiahong Wood Industry Co., Ltd.	42.57
Dalian Kemian Wood Industry Co., Ltd.	42.57
Dalian Qianqiu Wooden Product Co., Ltd.	42.57
Dalian T-Boom Wood Products Co., Ltd.	42.57
Dongtai Fuan Universal Dynamics, LLC	42.57
Dunhua City Dexin Wood Industry Co., Ltd.	42.57
Dunhua City Hongyuan Wood Industry Co., Ltd.	42.57
DunHua SenTai Wood Co., Ltd.	42.57
Dunhua Shengda Wood Industry Co., Ltd.	42.57
Fusong Jinlong Wooden Group Co., Ltd.	42.57
Fusong Qianqiu Wooden Product Co., Ltd.	42.57
Guangzhou Homebon Timber Manufacturing Co., Ltd.	42.57
Guangzhou Panyu Kangda Board Co., Ltd.	42.57
Guangzhou Panyu Southern Star Co., Ltd.	42.57

[7] *See* the Issues and Decision Memorandum at Comments 9 and 14.

[8] *See* Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties, 76 FR 65694 (October 24, 2011) (*Assessment Notice*); *see also* ''Assessment Rates'' section below.

[9] *See* the Issues and Decision Memorandum at Comment 6.

[10] *See Longkou Haimeng Mach. Co.* v. *United States,* 581 F. Supp. 2d 1344, 1357–60 (CIT 2008) (affirming Commerce's determination to assign a 4.22 percent dumping margin to the separate-rate respondents in a segment where the three mandatory respondents received dumping margins of 4.22 percent, 0.03 percent, and zero percent, respectively); *see also Certain Kitchen Appliance Shelving and Racks from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 74 FR 36656, 36660 (July 24, 2009).

[11] *See* Statement of Administrative Action (SAA), accompanying the Uruguay Round Agreements Act, H.R. Doc. No. 103–316 at 873 (1994), reprinted in 1994 U.S.C.C.A.N. 4040, 4200.

[12] *See Albemarle Corp. & Subsidiaries* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016); *see also* the Issues and Decision Memorandum at Comment 3 for further discussion.

Exporters	Weighted average dumping margin (percent)
HaiLin LinJing Wooden Products Co., Ltd.	42.57
Hangzhou Hanje Tec Co., Ltd.	42.57
Hunchun Xingjia Wooden Flooring Inc.	42.57
Huzhou Chenghang Wood Co., Ltd.	42.57
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	42.57
Huzhou Sunergy World Trade Co., Ltd.	42.57
Innomaster Home (Zhongshan) Co., Ltd.	42.57
Jiangsu Guyu International Trading Co., Ltd.	42.57
Jiangsu Mingle Flooring Co., Ltd.	42.57
Jiangsu Simba Flooring Co., Ltd.	42.57
Jiashan HuiJiaLe Decoration Material Co., Ltd.	42.57
Jiaxing Hengtong Wood Co., Ltd.	42.57
Jilin Xinyuan Wooden Industry Co., Ltd.	42.57
Kember Flooring, Inc.	42.57
Kemian Wood Industry (Kunshan) Co., Ltd.	42.57
Linyi Anying Wood Co., Ltd.	42.57
Linyi Youyou Wood Co., Ltd.	42.57
Metropolitan Hardwood Floors, Inc.	42.57
Mudanjiang Bosen Wood Industry Co., Ltd.	42.57
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	42.57
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	42.57
Power Dekor Group Co., Ltd.	42.57
Shandong Longteng Wood Co., Ltd.	42.57
Shanghai Lairunde Wood Co., Ltd.	42.57
Shanghaifloor Timber (Shanghai) Co., Ltd.	42.57
Shenyang Haobainian Wooden Co., Ltd.	42.57
Shenzhenshi Huanwei Woods Co., Ltd.	42.57
Suzhou Dongda Wood Co., Ltd.	42.57
Tongxiang Jisheng Import and Export Co., Ltd.	42.57
Xuzhou Antop International Trade Co., Ltd.	42.57
Xuzhou Shenghe Wood Co., Ltd.	42.57
Yekalon Industry Inc.	42.57
Yihua Lifestyle Technology Co., Ltd. (formerly known as Guangdong Yihua Timber Industry Co., Ltd.)	42.57
Zhejiang Biyork Wood Co., Ltd.	42.57
Zhejiang Dadongwu Green Home Wood Co., Ltd.	42.57
Zhejiang Fudeli Timber Industry Co., Ltd.	42.57
Zhejiang Fuerjia Wooden Co., Ltd.	42.57
Zhejiang Longsen Lumbering Co., Ltd.	42.57
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	42.57

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We intend to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

For Jiangsu Senmao, which has a weighted-average dumping margin of zero, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For entries that were not reported in the U.S. sales databases submitted by the company individually examined during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate. As the China-wide entity and Sino-Maple's estimated dumping margins continue to be based on AFA, we will instruct CBP to apply an *ad valorem* assessment rate of 85.13 percent to all entries of subject merchandise during the POR that were produced and/or exported by those entities.

For the respondents which were not selected for individual examination in this review and which qualified for a separate rate, the assessment rate will be equal to 42.57 percent, the simple average of the separate rates we assigned to Jiangsu Senmao and Sino-Maple.

Consistent with Commerce's assessment practice in non-market economy cases, for the companies which Commerce determined had no shipments of the subject merchandise, any suspended entries made under those exporters' case numbers (*i.e.,* at the exporters' rates) will be liquidated at the China-wide rate.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For companies that have a separate rate, the cash deposit rate will be that established in these final results (except, if the rate is zero or *de minimis,* then no cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. 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.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: July 29, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes From the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Application of Adverse Facts Available (AFA) to Sino-Maple
Comment 2: The AFA Rate
Comment 3: The Separate Rate
Comment 4: Intermediate Input Methodology

[13] For a full discussion of this practice, *see Assessment Notice.*

Comment 5: Deduction of Irrecoverable Value-Added Tax (VAT)
Comment 6: Yihua Timber's Separate Rate Eligibility
Comment 7: Initiation of Jiaxing Brilliant
Comment 8: Spelling Variations of Zhejiang Dadongwu's Name
Comment 9: Keri Wood's No Shipment Claim
Comment 10: Rescission of Review With Respect to Baroque Timber
Comment 11: Jilin Forest's Separate Rate Eligibility
Comment 12: Scholar Home's Separate Rate Eligibility
Comment 13: Jiechen's No Shipment Claim
Comment 14: Certain Separate Rate Applicants' Eligibility
Comment 15: Alleged ''Fraudulently Declared'' Entries
Comment 16: Misuse of U.S. Customs and Border Protection (CBP) Case Numbers
Comment 17: China-Wide Entity Companies in the CBP Instructions
VI. Recommendation

Appendix II

No Shipments

Anhui Boya Bamboo & Wood Products Co., Ltd.
Anhui Longhua Bamboo Product Co., Ltd.
Changzhou Hawd Flooring Co., Ltd.
Chinafloors Timber (China) Co., Ltd.
Dalian Guhua Wooden Product Co., Ltd.
Dalian Huade Wood Product Co., Ltd.
Dalian Jaenmaken Wood Industry Co., Ltd.
Hangzhou Zhengtian Industrial Co., Ltd.
Hunchun Forest Wolf Wooden Industry Co., Ltd.
Jiafeng Wood (Suzhou) Co., Ltd.
Jiangsu Keri Wood Co., Ltd.
Jiangsu Yuhui International Trade Co., Ltd.
Jiashan On-Line Lumber Co., Ltd.
Karly Wood Product Limited
Kingman Floors Co., Ltd.
Linyi Bonn Flooring Manufacturing Co., Ltd.
Xiamen Yung De Ornament Co., Ltd.
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.
Zhejiang Shiyou Timber Co., Ltd.
Zhejiang Simite Wooden Co., Ltd.

China-Wide Entity

Anhui Suzhou Dongda Wood Co., Ltd.
Baishan Huafeng Wooden Product Co., Ltd.
Baiying Furniture Manufacturer Co., Ltd.
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.
Cheng Hang Wood Co., Ltd.
Dalian Jiuyuan Wood Industry Co., Ltd.
Dalian Xinjinghua Wood Co., Ltd.
Dongtai Zhangshi Wood Industry Co., Ltd.
Dunhua City Wanrong Wood Industry Co., Ltd.
Fu Lik Timber (HK) Co., Ltd.
Fujian Wuyishan Werner Green Industry Co., Ltd.
GTP International Ltd.
Guangdong Fu Lin Timber Technology Limited
HaiLin XinCheng Wooden Products, Ltd.
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.)
Hangzhou Huahi Wood Industry Co., Ltd.
Henan Xingwangjia Technology Co., Ltd.
Hong Kong Easoon Wood Technology Co., Ltd.
Huaxin Jiasheng Wood Co., Ltd.
Huber Engineering Wood Corp.
Huzhou City Nanxun Guangda Wood Co., Ltd.
Huzhou Fuma Wood Co., Ltd.
Huzhou Muyun Wood Co., Ltd.
Jiangsu Kentier Wood Co., Ltd.
Jiashan Fengyun Timber Co., Ltd.
Jiaxing Brilliant Import & Export Co., Ltd.
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.
Kornbest Enterprises Limited
Kunming Alston (AST) Wood Products Co., Ltd.
Les Planchers Mercier, Inc.
Liaoning Daheng Timber Group Co., Ltd.
Nanjing Minglin Wooden Industry Co., Ltd.
Ningbo Tianyi Bamboo and Wood Products Co., Ltd.
Qingdao Barry Flooring Co., Ltd.
Scholar Home (Shanghai) New Material Co., Ltd.
Shandong Kaiyuan Wood Industry Co., Ltd.
Shandong Puli Trading Co., Ltd.
Shanghai Anxin (Weiguang) Timber Co., Ltd.
Shanghai Demeija Timber Co., Ltd.
Shanghai Eswell Timber Co., Ltd.
Shanghai Lizhong Wood Products Co., Ltd. (also known as The Lizhong Wood Industry Limited Company of Shanghai)
Shanghai New Sihe Wood Co., Ltd.
Shanghai Shenlin Corporation
Shenyang Sende Wood Co., Ltd.
Suzhou Anxin Weiguang Timber Co., Ltd.
Tak Wah Building Material (Suzhou) Co.
Tech Wood International Ltd.
Vicwood Industry (Suzhou) Co. Ltd.
Yixing Lion-King Timber Industry
Zhejiang AnJi Xinfeng Bamboo and Wood Industry Co., Ltd.
Zhejiang Desheng Wood Industry Co., Ltd.
Zhejiang Fuma Warm Technology Co., Ltd.
Zhejiang Haoyun Wooden Co., Ltd.
Zhejiang Jesonwood Co., Ltd.
Zhejiang Jiechen Wood Industry Co., Ltd.
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd.
Zhejiang Yongyu Bamboo Joint-Stock Co., Ltd.

[FR Doc. 2019–16664 Filed 8–2–19; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–559–808]

Acetone From Singapore: Preliminary Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that acetone from Singapore is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Joshua DeMoss, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3362.

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 March 18, 2019.[1] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[2] 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 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 acetone from Singapore. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product

[1] *See Acetone from Belgium, the Republic of Korea, the Kingdom of Saudi Arabia, Singapore, the Republic of South Africa, and Spain: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 9755 (March 18, 2019) (*Initiation Notice*).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Acetone from Singapore'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[5]

In accordance with the comments discussed below, Commerce is adding a five percent ''threshold'' to the scope description. In accordance with the threshold, a product is excluded from the scope of this investigation if the total acetone component of the product (regardless of the source or sources) comprises less than five percent of the product on a dry weight basis. Additionally, Commerce has added an illustrative list of subheadings under Chapter 38 of the HTSUS that may include subject acetone. Finally, Commerce has made other non-substantive revisions to the language of the scope in order to improve clarity. *See* the revised scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences for Mitsui Phenols Singapore Pte. Ltd. (Mitsui). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce has preliminarily determined the estimated weighted-average dumping margin for the individually examined respondent (*i.e.,* Mitsui) under section 776 of the Act. Consequently, pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the alleged dumping margins from the petition.[6] For a full description of the methodology underlying Commerce's analysis, *see* the Preliminary Decision Memorandum.

Preliminary Determination

Commerce preliminarily determines that the following estimated dumping margins exist:

Exporter/producer	Estimated dumping margin (percent)
Mitsui Phenols Singapore Pte. Ltd	131.75
All Others	66.42

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 dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated dumping margins 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 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 dumping margin.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a 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 the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the individually examined company (*i.e.,* Mitsui) in this investigation, in accordance with section 776 of the Act, and the applied AFA rate is based solely on the petition, there are no calculations to disclose.

Verification

Because the examined respondent in this investigation did not provide information requested by Commerce, and Commerce preliminarily determines the examined respondent to have been uncooperative, we will not conduct verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination, unless the Secretary alters the time limit.[7] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] 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

[4] *See Initiation Notice,* 88 FR at 9756.

[5] *See* Memorandum, ''Acetone from Belgium, Korea, Singapore, South Africa, and Spain: Scope Comments Preliminary Decision Memorandum,'' dated July 29, 2019 (Preliminary Scope Decision Memorandum), for further discussion.

[6] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; *see also Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan,* 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014).

[7] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements). Commerce has exercised its discretion under 19 CFR 351.309(c)(1)(i) to alter the time limit for submission of case briefs.

[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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.

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date 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.

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: July 29, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is all grades of liquid or aqueous acetone. Acetone is also known under the International Union of Pure and Applied Chemistry (IUPAC) name propan-2-one. In addition to the IUPAC name, acetone is also referred to as ß-ketopropane (or beta-ketopropane), ketone propane, methyl ketone, dimethyl ketone, DMK, dimethyl carbonyl, propanone, 2-propanone, dimethyl formaldehyde, pyroacetic acid, pyroacetic ether, and pyroacetic spirit. Acetone is an isomer of the chemical formula C_3H_6O, with a specific molecular formula of CH_3COCH_3 or $(CH_3)_2CO$.

The scope covers both pure acetone (with or without impurities) and acetone that is combined or mixed with other products, including, but not limited to, isopropyl alcohol, benzene, diethyl ether, methanol, chloroform, and ethanol. Acetone that has been combined with other products is included within the scope, regardless of whether the combining occurs in third countries.

The scope also includes acetone that is commingled with acetone from sources not subject to this investigation.

For combined and commingled products, only the acetone component is covered by the scope of this investigation. However, when acetone is combined with acetone components from sources not subject to this investigation, those third country acetone components may still be subject to other acetone investigations.

Notwithstanding the foregoing language, an acetone combination or mixture that is transformed through a chemical reaction into another product, such that, for example, the acetone can no longer be separated from the other products through a distillation process (*e.g.,* methyl methacrylate (MMA) or Bisphenol A (BPA)), is excluded from this investigation.

A combination or mixture is excluded from these investigations if the total acetone component (regardless of the source or sources) comprises less than 5 percent of the combination or mixture, on a dry weight basis.

The Chemical Abstracts Service (CAS) registry number for acetone is 67–64–1.

The merchandise covered by this investigation is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2914.11.1000 and 2914.11.5000. Combinations or mixtures of acetone may enter under subheadings in Chapter 38 of the HTSUS, including, but not limited to, those under heading 3814.00.1000, 3814.00.2000, 3814.00.5010, and 3814.00.5090. The list of items found under these HTSUS subheadings is non-exhaustive. Although these HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of the Investigation
V. Scope Comments
VI. Application of Facts Available and Use of Adverse Inference
VII. All-Others Rate
VIII. Verification
IX. Conclusion

[FR Doc. 2019–16661 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–838]

Glycine From Thailand: Final Negative Countervailing Duty Determination and Final Negative Critical Circumstances Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are not being provided to producers and exporters of glycine from Thailand. In addition, we determine that critical circumstances do not exist with respect to imports of the subject merchandise. The period of investigation (POI) is January 1, 2017 through December 31, 2017.

DATES: Applicable August 5, 2019.

FOR FURTHER INFORMATION CONTACT: George Ayache, 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) 482–2623.

SUPPLEMENTARY INFORMATION:

Background

The petitioners in this investigation are GEO Specialty Chemicals, Inc. and Chattem Chemicals, Inc. (collectively, the petitioners). In addition to the Royal Thai Government (RTG), the mandatory respondent in this investigation is Newtrend Food Ingredient (Thailand) Co., Ltd. (Newtrend Thailand).

The events that occurred since Commerce published the *Preliminary Determination* [1] are discussed in the Issues and Decision Memorandum.[2]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[3] Commerce revised the deadline

[1] *See Glycine from Thailand: Preliminary Negative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 83 FR 44861 (September 4, 2018) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Glycine from Thailand: Issues and Decision Memorandum for the Final Negative Determination of the Countervailing Duty Investigation,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for

Continued

for the final determination in this investigation to April 24, 2019.

On March 18, 2019, the petitioners submitted new factual information (NFI) on the record of this investigation, which included the notice of U.S. Customs and Border Protection's (CBP's) commencement of a formal investigation and imposition of interim measures (*CBP Interim Measures*) under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015 (also referred to as the Enforce and Protect Act or EAPA).[4] Commerce accepted the NFI and provided interested parties with an opportunity to comment. On April 24, 2019, Commerce postponed until further notice the issuance of the final determination in this investigation, in order to further investigate this matter.[5] We subsequently issued to Newtrend Thailand additional requests for sales and cost information relevant to this matter. Newtrend Thailand timely responded to these requests for information, and Commerce subsequently conducted verification of the additional information submitted.

We invited interested parties to comment on the *Preliminary Determination* and on events that occurred since the publication of that determination. A detailed summary of the events that occurred in this investigation since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, can be found in the Issues and Decision Memorandum.

Scope of the Investigation

The product covered by this investigation is glycine from Thailand. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation'' in Appendix I of this notice.

Scope Comments

We invited parties to comment on Commerce's Preliminary Scope Decision Memorandum.[6] Commerce reviewed the briefs submitted by interested parties, considered the arguments therein, and made no changes to the scope of the investigation. For further discussion, *see* Commerce's Scope Comments Final Decision Memorandum.[7]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum accompanying this notice. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum also discusses the comments we received since the *Preliminary Determination* and Post-Preliminary Determination [8] regarding the subsidy rates calculated for the mandatory respondent and all other producers/exporters. 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 is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, during November 2018 and June 2019, Commerce conducted verifications of the information reported by the RTG and Newtrend Thailand. We used standard verification procedures, including an examination of relevant accounting records and original source documents provided by Newtrend Thailand.[10]

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, our verification findings, and the minor corrections presented at verification, we made no changes to the respondents' subsidy rate calculations. For a discussion of the issues, *see* the Issues and Decision Memorandum.

Final Negative Determination of Critical Circumstances

In the *Preliminary Determination,* Commerce explained that a finding of critical circumstances is only relevant if, due to an affirmative preliminary or affirmative final determination, there is a suspension of liquidation.[11] However, Commerce preliminarily determined that Newtrend Thailand did not receive any subsidies. Thus, Commerce issued a negative *Preliminary Determination,* did not suspend liquidation, and preliminarily found that critical circumstances did not exist.[12]

For this final determination, we find that Newtrend Thailand received a *de minimis* net subsidy rate and, thus, we have issued a negative final determination. Accordingly, we continue to find that critical circumstances do not exist.

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* Petitioners' Letter, ''Glycine from Thailand: Request to Accept U.S. Customs and Border Protection's Interim Measures,'' dated March 18, 2019.

[5] *See* Memorandum from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Jeffrey I. Kessler, Assistant Secretary for Enforcement and Compliance, ''Postponement of the Final Determinations in the Less-Than-Fair Value and Countervailing Duty Investigations of Glycine from Thailand,'' dated April 24, 2019.

[6] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated August 27, 2018 (Preliminary Scope Decision Memorandum).

[7] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Final Determinations,'' dated April 24, 2019.

[8] *See* Memorandum, ''Decision Memorandum for the Post-Preliminary Analysis in the Countervailing Duty Investigation of Glycine from Thailand,'' dated February 21, 2019.

[9] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[10] For a discussion of our verification findings, *see* the following Memoranda,''Verification of the Questionnaire Responses of the Royal Thai Government,'' and ''Verification of the Questionnaire Responses of Newtrend Food Ingredient (Thailand) Co., Ltd.,'' both dated December 7, 2018; ''Verification of the Questionnaire Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Countervailing Investigation of Glycine from Thailand with Respect to the Transshipment Allegation,'' and ''2nd Verification of Cost Response of Newtrend Food Ingredient (Thailand) Co., Ltd. in the Countervailing Duty Investigation of Glycine from Thailand,'' both dated June 20, 2019.

[11] *See Preliminary Determination* PDM at 3.

[12] *See Preliminary Determination,* 83 FR at 44862, and PDM at 3.

Final Determination

In accordance with section 705(c)(l)(B)(i) of the Act, we calculated a rate for Newtrend Thailand, the sole producer/exporter of the subject merchandise under investigation. Commerce determines the total estimated net countervailable subsidy rate to be:

Company	Subsidy rate (percent) (*de minimis*)
Newtrend Food Ingredient (Thailand) Co., Ltd	0.06

Commerce has not calculated an all-others rate because it has not reached an affirmative final determination. In the *Preliminary Determination,* the total net countervailable subsidy rate for Newtrend Thailand was zero and, therefore, we did not suspend liquidation. With respect to the final determination, because the rate for Newtrend Thailand is *de minimis,* we are not directing CBP to suspend liquidation of entries of glycine from Thailand.

Disclosure

Commerce will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

International Trade Commission (ITC) Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its determination. As our final determination is negative, this proceeding is terminated.

Administrative Protective Orders

This notice serves as the only reminder to parties subject to an 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.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: July 29, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is glycine at any purity level or grade. This includes glycine of all purity levels, which covers all forms of crude or technical glycine including but not limited to sodium glycinate, glycine slurry and any other forms of amino acetic acid or glycine. Subject merchandise also includes glycine and precursors of dried crystalline glycine that are processed in a third country, including, but not limited to, refining or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope glycine or precursors of dried crystalline glycine. Glycine has the Chemical Abstracts Service (CAS) registry number of 56–40–6. Glycine and glycine slurry are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.4300. Sodium glycinate is classified in the HTSUS under 2922.49.8000. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Subsidies Valuation
V. Analysis of Programs
VI. Discussion of the Issues
  Comment 1: Whether to Apply Adverse Facts Available (AFA) to Newtrend Thailand for Third-Country Affiliates Disclosed at Verification
  Comment 2: Whether Bangkok Bank is an Authority
  Comment 3: Whether the Provision of Electricity for Less than Adequate Remuneration (LTAR) is Countervailable
  Comment 4: Whether Commerce Should Have Used Thai Electricity Export Prices as a Benchmark in the Provision of Electricity for LTAR Benefit Calculation
  Comment 5: Whether the Exemptions of Import Duty on Raw or Essential Materials Imported for Use in Production for Export (Investment Promotion Act (IPA) Section 36) Program is Countervailable
  Comment 6: Application of AFA
  Comment 7: *CBP Interim Measures*
VII. Recommendation

[FR Doc. 2019–16662 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV017

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Salmon Technical Team (STT) and Model Evaluation Workgroup (MEW) will hold a joint meeting. This meeting will be held via webinar and is open to the public.

DATES: The webinar will be held Thursday, August 29 at 9 a.m. and will end when business for the day has been completed.

ADDRESSES: A public listening station is available at the Pacific Council office (address below). To attend the webinar, use this link: *https://www.gotomeeting.com/* (click ''Join'' in top right corner of page). (1) Enter the Webinar ID: 565–431–373; (2) Enter your name and email address (required). You must use your telephone for the audio portion of the meeting by dialing this TOLL number: 1 (646) 749–3122; (3) Enter the Attendee phone audio access code: 565–431–373. *Note:* We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Robin Ehlke, Pacific Council; telephone: (503) 820–2410.

SUPPLEMENTARY INFORMATION: Major topics include, but are not limited to Salmon related topics: Salmon

Methodology Review, Salmon Rebuilding Plans—final action for Coho and the report on the Sacramento River fall Chinook harvest model development, Southern Resident Killer Whale Endangered Species Act consultation, risk analysis review, and review of the annual salmon management cycle. Pacific halibut related topics include: 2A Catch Sharing Plan preliminary changes for 2020, and commercial directed halibut fishery regulations for 2020.

The groups may also address one or more of the Council's scheduled administrative matters, legislative matters, habitat issues, ecosystem topics, groundfish topics and future workload planning. Public comments during the webinar will be received from attendees at the discretion of the STT and MEW Chairs.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2411) at least 10 days prior to the meeting date.

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

Dated: July 31, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–16647 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV012

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of scheduled SEDAR 58 Assessment Milestone 3 Webinar.

SUMMARY: The SEDAR 58 assessment of the Atlantic stock of Cobia will consist of a series of workshops and webinars: Data Workshop; Assessment Webinars; and a Review.

DATES: The SEDAR 58-Assessment Milestone 3 Webinar has been scheduled for September 4, 2019 from 9 a.m.–12 p.m.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Kathleen Howington at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405. *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Assessment Milestone 3 webinar are as follows:

- Review base model alternatives and recommend a base model approach and configuration.
- Recommend sensitivities and uncertainty evaluations.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 31, 2019.

Diane M. DeJames-Daly,

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

[FR Doc. 2019–16639 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV014

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 64 Assessment Webinar I for Southeastern U.S. yellowtail snapper.

SUMMARY: The SEDAR 64 stock assessment process for Southeastern U.S. yellowtail snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 64 Assessment Webinar I will be held September 4, 2019, from 2 p.m. to 4 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (See Contact Information Below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; phone: (843) 571–4366; email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment 1 Webinar are as follows:

1. Using datasets and initial assessment analysis recommended from the data workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each webinar.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 31, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–16640 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV016

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Salmon Advisory Subpanel (SAS) will hold a meeting. This meeting will be held via webinar and is open to the public.

DATES: The webinar will be held Wednesday, August 14 at 2 p.m. and will end when business for the day has been completed.

ADDRESSES: A public listening station is available at the Pacific Council office (address below). To attend the webinar, use this link: *https://www.gotomeeting.com/* (click ''Join'' in top right corner of page). (1) Enter the Webinar ID: 565–431–373; (2) Enter your name and email address (required). You must use your telephone for the audio portion of the meeting by dialing this TOLL number: 1 (646) 749–3122; (3) Enter the Attendee phone audio access code: 565–431–373. *Note:* We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Robin Ehlke, Pacific Council; telephone: (503) 820–2410.

SUPPLEMENTARY INFORMATION:

Major topics include, but are not limited to Salmon related topics: Salmon Methodology Review, Salmon

Rebuilding Plans—final action for Coho and the report on the Sacramento River fall Chinook harvest model development, Southern Resident Killer Whale Endangered Species Act consultation: Risk analysis review, and review of the annual salmon management cycle. Pacific halibut related topics include: 2A Catch Sharing Plan preliminary changes for 2020, and commercial directed halibut fishery regulations for 2020.

The group may also address one or more of the Council's scheduled administrative matters, legislative matters, habitat issues, ecosystem topics, groundfish topics, and future workload planning. Public comments during the webinar will be received from attendees at the discretion of the SAS Chair.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2411) at least 10 days prior to the meeting date.

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

Dated: July 31, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–16642 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Partial Delegation of Authority to the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration To Implement Section 113 of the Consolidated Appropriations Act, 2017, Regarding the Research, Exploration and Salvage of RMS Titanic

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of delegation of authority.

SUMMARY: NOAA is publishing this notice to inform the public that, on August 29, 2018, the Secretary of Commerce delegated to the NOAA Administrator partial authority under Section 113 of the Consolidated Appropriations Act, 2017 (''Section 113''), to authorize any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic* per the provisions of the Agreement Concerning the Shipwrecked Vessel RMS *Titanic* (hereinafter the ''International Agreement''). The Secretary also authorized the NOAA Administrator to take appropriate actions to carry out this section of the Act consistent with the International Agreement. This notice also provides the public with a point of contact for any person seeking a Section 113 authorization from NOAA.

DATES: On August 29, 2018, the Secretary of Commerce delegated to the NOAA Administrator partial authority regarding the issuance of authorizations pursuant to Section 113.

ADDRESSES: Requests for, or questions pertaining to, an authorization pursuant to Section 113 should be sent to the NOAA Administrator, 1305 East-West Highway, SSMC IV, Suite 6111, Silver Spring, MD 20910; Attention—Section 113 Authorization. Requests or questions may also be sent via email to *Titanic.Authorizations@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: David Alberg, Superintendent of the Monitor National Marine Sanctuary, at (757) 791–7326, *David.Alberg@noaa.gov.*

SUPPLEMENTARY INFORMATION: Section 113 prohibits any person from conducting any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic* unless authorized by the Secretary of Commerce per the provisions of the International Agreement. As directed by Congress in Section 6 of the 1986 RMS *Titanic* Maritime Memorial Act (16 U.S.C. 450rr *et seq.*), the United States negotiated the International Agreement with the United Kingdom, France, and Canada. Section 5(a) of the 1986 Act directed NOAA to enter into consultations with the United Kingdom, France, Canada and others to encourage international protection of the RMS *Titanic* and to develop international guidelines for research on, exploration of, and, if appropriate, salvage of RMS *Titanic.*

The NOAA Guidelines for Research, Exploration and Salvage of RMS *Titanic* (hereinafter the ''NOAA Guidelines'') became final on April 12, 2001 (66 FR 18905), after public notice and comment (65 FR 35326), and are consistent with the Rules Concerning Activities Aimed at the RMS *Titanic* and/or its Artifacts, which are annexed to the International Agreement (hereinafter the ''Annex Rules''). Among other things, the NOAA Guidelines and the Annex Rules address project design, funding, duration, objectives, methodology and techniques, professional qualifications, preliminary work, documentation, artifact conservation, safety, reporting, curation of project collection(s), and dissemination.

The NOAA Guidelines and the Annex Rules are based on widely accepted international and domestic professional archaeological standards, including the International Council of Monuments and Sites (ICOMOS), International Charter on the Protection and Management of Underwater Cultural Heritage, the rules annexed to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of the Underwater Cultural Heritage, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and the National Park Service's Abandoned Shipwreck Act Guidelines.

Issuance of Section 113 Authorizations

Any person subject to U.S. jurisdiction proposing to conduct any research, exploration, salvage, or other activity at the wreck or wreck site of RMS *Titanic* will need to demonstrate to the NOAA Administrator that the proposed project will comply with Section 113, which incorporates by reference the International Agreement. This information will enable the NOAA Administrator to determine whether the

activity may physically alter or disturb the wreck or wreck site of RMS *Titanic* such that an authorization is required and, if so, whether the NOAA Administrator can issue an authorization. To facilitate the NOAA Administrator's review, NOAA recommends that any person proposing to conduct any research, exploration, salvage, or other activity at the wreck or wreck site of RMS *Titanic* submit to NOAA, at least 120 calendar days prior to the proposed project date, information sufficient to demonstrate that the proposed project will comply with the Annex Rules of the International Agreement and to obtain any necessary authorization, if applicable. NOAA also encourages requestors to review the NOAA Guidelines as well as the International Maritime Organization Circular MEPC.1/Circ.779 (Pollution Prevention Measures in the Area Surrounding the Wreckage of RMS *Titanic*).

Section 113 Authority Reserved by the Secretary of Commerce

The Secretary of Commerce reserved authority under Section 113 to make all decisions arising under Article 5 of the International Agreement when a Party to the Agreement opposes an authorization under consideration by the United States. Article 5 of the International Agreement provides, among other things, that each Party to the Agreement shall provide copies of and its preliminary views on requests for authorizations to the other Parties for comment. The Party considering the authorization must provide a 90-day comment period to the other Parties following transmission of the request for authorization to the other Parties.

Status of the International Agreement

The International Agreement will enter into force when at least two countries ratify it. The United Kingdom ratified the International Agreement on November 6, 2003. The United States signed the Agreement on June 18, 2004, subject to acceptance following the enactment of implementing legislation. As of the date of this notice, the Agreement has not yet entered into force.

Coordinating With the United States District Court for the Eastern District of Virginia

The United States District Court for the Eastern District of Virginia (''the Court'') has constructive *in rem* jurisdiction over RMS *Titanic* and has granted exclusive salvage rights to RMS Titanic, Incorporated (''RMST''). NOAA intends to notify the Court of any project that may require a Section 113 authorization and will encourage any person requesting authorization to coordinate directly with the Court and any salvor-in-possession of RMS *Titanic.* Any person proposing a project involving the salvage of *Titanic* wreck or wreck site, as determined by the Court, must also obtain approval by the Court in addition to any authorization required by Section 113. NOAA also intends to provide the Court with a copy of any authorization the NOAA Administrator issues pursuant to Section 113.

Privileged or Confidential Information

NOAA handles requests for agency records under the Freedom of Information Act (FOIA) (5 U.S.C. 552 *et seq.*) and the Privacy Act (5 U.S.C. 552a *et seq.*) in a manner consistent with these laws and the Department of Commerce regulations on the Disclosure of Government Information. 15 CFR part 4. FOIA Exemption (b)(4) applies to trade secrets and commercial or financial information that is privileged or confidential. If any person requesting a Section 113 authorization submits such information to NOAA, he or she should clearly label it ''Contains Confidential Information,'' consider submitting such information as a separate attachment, and request that NOAA treat it as confidential. NOAA will not disclose such information if it qualifies for exemption from disclosure under FOIA. *See* 15 CFR 4.9. NOAA will also seek to protect personally identifiable information affecting an individual's privacy consistent with FOIA Exemption (b)(6).

Dated: July 5, 2019.

Neil A. Jacobs,

Assistant Secretary of Commerce for Environmental Observation and Prediction, Performing the Duties of Under Secretary of Commerce for Oceans and Atmosphere.

[FR Doc. 2019–16635 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV018

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, August 29, 2019 at 10 a.m.

ADDRESSES: The meeting will be held at the Four Points by Sheraton, Wakefield, MA 01880; phone: (781) 245–9300.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will be briefed on relevant actions and projects, including offshore wind, EFH consultation work, and habitat science efforts, providing feedback as appropriate. The Committee will also work towards the development of policy statements related to habitat and fisheries impacts of non-fishing activities and will discuss habitat-related work priorities for 2020. The Committee may draft comments on Exempted Fishing Permit applications related to the Great South Channel Habitat Management Area, if requested. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: July 31, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–16643 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV015

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a joint public meeting of its Ecosystem-Based Fishery Management (EBFM) Committee and Plan Development Team to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, August 21, 2019 at 1 p.m. and Thursday, August 22, 2019 at 8 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Boston Marriott Quincy, 1000 Marriott Drive, Quincy, MA 02169; telephone: (617) 472–1000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The EBFM Committee and PDT will meet jointly to present and discuss an initial draft of an example Fishery Ecosystem Plan (eFEP) for Georges Bank. The intent of the eFEP is to explain the concept and potential application of EBFM for Georges Bank fisheries, for use during a Management Strategy Evaluation process. A revised draft document will also be presented at the September Council meeting. Other business may be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

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

Dated: July 31, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–16641 Filed 8–2–19; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0040]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment; correction.

SUMMARY: The Bureau of Consumer Financial Protection published a document in the **Federal Register** of July 29, 2019, proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled ''Equal Access to Justice Act.'' The document contained an incorrect Docket Number.

FOR FURTHER INFORMATION CONTACT: Darrin King, (202) 435–9575.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 29, 2019, in FR Doc. 84–36591, on page 36591, in the third column, correct the ''Docket No.'' caption to read:

[Docket No. CFPB–2019–0040]

Dated: July 31, 2019.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2019–16659 Filed 8–2–19; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Announcement of Federal Funding Opportunity

AGENCY: Office of Economic Adjustment (OEA), Department of Defense.

ACTION: Federal funding opportunity announcement.

SUMMARY: As the Department of Defense (DoD) seeks to implement the National Defense Strategy by increasing our military capabilities and enhancing the lethality and readiness of our forces, it is in our Nation's best interests for states and communities around the nation to collaborate with our local installation's leadership to: Address instances where civilian activities may impair the utility of local installations; and ensure local civilian development does not negatively impact our missions, test facilities, and training ranges. In addition, local communities have the opportunity through development initiatives to enhance the military value and security of our bases and provide for the quality of life for our troops and their families. The purpose of the program is to enhance the operational utility of installations through a series of installation-community engagements that will identify and carry out civilian actions to improve the readiness and lethality of the force. These engagements allow the Department to utilize the particular civilian expertise that can be found across states and communities to augment our local missions' efforts to improve the combat capability of our forces while leveraging the comparative advantages these civilian partners can provide to support the Department's efforts.

This notice announces an opportunity to request funding from the Office of Economic Adjustment (OEA), a DoD Field Activity, for community planning assistance to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas, and military training routes. Many installations have recently

updated their installation master plans and encroachment management plans. If a community has not completed a Compatible Use Plan or Joint Land Use Study in the last five years, they should consider the benefits of conducting one.

FOR FURTHER INFORMATION CONTACT: David Kennedy, Compatible Use, Office of Economic Adjustment. Office: (703) 697–2136. Email: *david.r.kennedy.civ@mail.mil.*

SUPPLEMENTARY INFORMATION:

a. *Federal Awarding Agency:* Office of Economic Adjustment, Department of Defense.

b. *Funding Opportunity Title:* Community Economic Adjustment Assistance for Compatible Use Plans.

c. *Announcement Type:* Federal Funding Opportunity.

d. *Catalog of Federal Domestic Assistance (CFDA) Number & Title:* 12.610: Community Economic Adjustment Assistance for Compatible Use Plans.

e. *Key Dates:* Proposals will be considered on a continuing basis. OEA will evaluate all proposals, and provide a response to the respondent within 30 business days of its receipt of a final and complete proposal.

I. Period of Funding Opportunity

Proposals will be considered on a continuing basis, subject to the availability of appropriations, commencing on the date of publication of this notice.

II. Funding Opportunity

a. Program Description

OEA is a DoD Field Activity authorized under 10 U.S.C. 2391 to provide assistance to state or local governments, and entities of state and local governments, including regional governmental organizations, to plan and carry out activities required by the encroachment of a civilian community on a military installation if the Secretary determines that the encroachment of the civilian community is likely to impair the continued operational utility of the military installation.

OEA's Compatible Use Program provides technical and financial assistance to state and local governments to plan and carry out civilian actions necessary to alleviate and/or prevent incompatible civilian development and other civilian activities that are likely to impair the continued operational utility of a DoD installation or facility. The program enables states and communities to assist local installations to optimize their mission—support lethality, and enhance the readiness and military value of their local installations. This program promotes: Compatible civilian development and activities in support of the local mission at the installation; preserves and protects the public health, safety, and general welfare; enhances the security of installation missions: Protects and preserves military readiness and quality of life; and enhances civilian, and military communications, and collaboration as the Department seeks to carry out the National Defense Strategy.

OEA is accepting proposals for grant assistance to develop compatible use strategies and/or plans to promote civilian development compatible with continued operational utility of a DoD installation, range, special use air space, military operations area, and/or military training routes from: States, counties, and municipalities; other political subdivisions of a state; special purpose units of a state or local government; other instrumentalities of a state or local government; and tribal nations. In addressing encroachment, grantees may at the same time develop initiatives to enhance the security and resiliency of a military installation.

Eligible activities may include, but are not limited to: ''Compatible Use Plans'' to comprehensively understand concerns and opportunities, and to develop a responsive strategy and action plan; preparation of land use ordinances; analysis and dissemination of information; timely consultation and cooperation among DoD, state and local governments, and other stakeholders; coordinated interagency and intergovernmental assistance; technical and financial studies; clearinghouses or websites to exchange information among federal, state, and local efforts; resolution of regulatory issues impeding the support of compatibility measures; drafting of state legislation; feasibility studies; integration of the Department's Military Aviation and Installation Assurance Siting Clearinghouse procedures with local/state reviews; development of follow-on open space/easement opportunities for the Department's Readiness and Environmental Protection Integration (REPI) Program; and other innovative approaches.

These potentially eligible activities may be undertaken to respond to current, future, or potential areas or incidences of encroachment upon installations and ranges, including: Energy project siting; incompatible development in aircraft runway clear and accident potential zones; light pollution; urban growth; noise; electromagnetic spectrum interference; protection from a threat of unmanned aerial and underwater vehicles; vertical obstructions; incompatible use of land, air, and water resources; cyber vulnerabilities; and, the management of endangered species.

Proposals will be evaluated by OEA staff against the eligibility criteria provided in Section IIc of this notice and the selection criteria provided in Section IIe of this notice. The evaluation process may include coordination as deemed appropriate by OEA with representatives from the Military Departments, Military Aviation and Installation Assurance Siting Clearinghouse, and other relevant Office of Secretary of Defense and DoD entities, and other Federal agencies including the Federal Aviation Administration, and Department of Energy. OEA will notify the respondent within thirty (30) days of proposal receipt, or as soon as practical, whether their proposal is successful. The successful respondent will then be invited to submit an application. Additional details about the review and selection process are provided in Section IIe of this notice. The final award will be determined by OEA based upon a review of a final grant application, and will be subject to the availability of appropriated funds.

b. Federal Award Information

Awards under this Federal Funding Opportunity will be issued in the form of a grant agreement. In accordance with 31 U.S.C. 6304, a grant is defined as the legal instrument reflecting a relationship between the United States Government and a state, a local government, or other recipient when:

(1) The principal purpose of the relationship is to transfer a thing of value to the state or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and

(2) Substantial involvement is not expected between the executive agency and the state, local government, or other recipient when carrying out the activity contemplated in the agreement.

c. Eligibility Information

Awards resulting from this Federal Funding Opportunity are based on eligibility and the responsiveness of proposals to military and local community interests and needs. ''Military installation'' includes a military facility owned and operated by any of the several States, the District of Columbia, the Commonwealth of Puerto

Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, even though the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the military facility is subject to significant use for training by the armed forces. It includes ranges, special use air space, military operation areas, and military training routes.

(1) Eligible Respondents

States, counties, municipalities, other political subdivisions of a state; special purpose units of a state or local government; other instrumentalities of a state or local government; and tribal nations are eligible if:

(a) OEA determines there is existing or potential encroachment of a civilian origin on the local military mission; and

(b) This encroachment of civilian origin is likely to impair the continued operational utility of a military installation.

Respondents are strongly advised to review the Program Information provided under Catalog of Federal Domestic Assistance number 12.610 (Community Economic Adjustment Assistance for Compatible Use and Joint Land Use Studies).

(2) Cost Sharing or Matching

Cost sharing is required. A minimum of ten percent (10%) of the project's total proposed funding must be from non-Federal sources.

(3) Other Eligibility Information

Funding will be awarded to only one governmental entity, on behalf of a region, per installation. Therefore, proposals on the behalf of a multi-jurisdictional region should demonstrate a significant level of cooperation. Additionally, the local military installation should concur with the applicant's approach in addressing the encroachment threat and should work with and support the local effort.

In addition to this Federal Funding Opportunity process, OEA will continue to request annual Compatible Use nominations from the Military Departments.

d. Proposal and Submission Information

(1) Submission of a Proposal

Proposals may be submitted electronically via email to: *oea.ncr.OEA.mbx.ffo-submit@mail.mil* with a courtesy copy to *david.r.kennedy.civ@mail.mil.* Include ''Community Economic Adjustment Assistance for Compatible Use Plans'' on the subject line of the message and request delivery/read confirmation to ensure receipt.

Proposals may also be mailed or hand-delivered to: Director, Office of Economic Adjustment, 231 Crystal Drive, Suite 520, Arlington, VA 22202–3711.

Proposals will be accepted as received on a continuing basis commencing on the date of this publication in the **Federal Register** and processed when deemed to be a final, complete proposal. Each proposal shall consist of no more than ten (10) single-sided pages exclusive of cover sheet, transmittal letter, and/or addendum, typed in a minimum 11-point common typeface, with no less than 1″ margins, exclusive of appendices, attachments, and cover sheet and/or transmittal letter, and must include the following information:

(2) Content and Form of Proposal Submission

Each proposal submitted should include a cover or transmittal letter and accompanying text that shall consist of no more than ten (10) pages (single-sided) which must include:

(a) *Point of Contact:* Name, title, phone number, email address, and organization address of the respondent's primary point of contact;

(b) *Actual/Potential Encroachment:* A description of potential encroachment concerns within the area of DoD's test, training and military operations;

(c) *Project Description:* A description of the proposed project, specifically:

- How the project can promote compatible development, including how the project could prevent adverse impacts to DoD's test, training and military operations;
- How the plan area and DoD's test, training, and military operations are defined;
- How the project will capitalize on existing strengths (*e.g.,* infrastructure, institutions, capital, etc.) within the affected area; and
- How the project would be integrated with any existing/ongoing efforts that may impact the project.

(d) *Project Participants:* A description of the partner jurisdictions, agencies, organizations, key stakeholders, and their roles and responsibilities to carry out the proposed project. Letters of support may be included as attachments and will not count against the ten-page limit; a letter of support from each affected military installation commander should be included;

(e) *Local military involvement and support:* A description of the anticipated role of the installation(s) in the plan and concurrence with the proposal;

(f) *Grant Funds and Other Sources of Funds:* A summary of local needs, including the need for Federal funding; an overview of all State and local funding sources, including the funds requested under this notice; financial commitments for other Federal and non-Federal funds needed to undertake the project to include acknowledgment to provide not less than 10% of the funding from non-Federal sources; a description of any other Federal funding for which the respondent has applied, or intends to apply to support this effort; and, a statement detailing how the proposal is not duplicative of other available Federal funding;

(g) *Project Schedule:* A sufficiently detailed project schedule, including milestones;

(h) *Performance Metrics:* A description of metrics to be tracked and evaluated over the course of the project to gauge performance of the project;

(i) *Grants Management:* Evidence of the intended recipient's ability and authority to manage grant funds; and

(j) *Submission Authorization:* Documentation that the Submitting Official is authorized by the respondent jurisdiction(s) and the respondent jurisdiction is an eligible entity to submit a proposal and subsequently apply for assistance. If there are multiple jurisdictions involved, an addendum can include letters of support.

To the extent practicable, OEA encourages respondents to provide data and evidence of all project merits in a form that is publicly available and verifiable. OEA reserves the right to ask any respondent to supplement the information in its proposal, but expects the proposal to be complete upon submission.

(3) Unique Entity Identifier and System for Award Management (SAM)

Each respondent is required to: (a) Provide a valid Dun and Bradstreet Universal Numbering System (DUNS) number; (b) be registered in SAM before submitting its application; and (c) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. OEA may not make a Federal award to a respondent until the respondent has complied with all applicable unique entity identifier and SAM requirements and, if a respondent has not fully complied with the requirements by the time OEA is ready to issue a Federal award, OEA may determine that the respondent is not qualified to receive a Federal award.

(4) Submission Dates and Times

Proposals will be considered on a continuing basis, subject to available appropriations, commencing on the date of publication of this notice. The end date for this program has not yet been determined. OEA will evaluate all proposals and provide a response to each respondent via email within 30 business days of OEA's receipt of a final, complete grant proposal.

(5) Funding Restrictions

The following are unallowable activities under this grant program:

- Construction;
- Demolition;
- Land Acquisition;
- The substitution or undertaking of any activity that would otherwise be undertaken by the Military Departments with MILCON or Defense-wide appropriated funding;
- Proposed activities for grants that duplicate nor replicate activities otherwise eligible for or funded through other Federal programs;
- International travel; and
- Lobbying of any sort.

OEA reserves the right to decline to fund pre-Federal award costs. Final awards may include pre-Federal award costs at the discretion of OEA; however, this must be specifically requested in the respondent's final application.

(6) Other Submission Requirements

Electronically submitted materials should be sent in Microsoft Word or Adobe Acrobat PDF format.

e. Application Review Information

(1) Selection Criteria

Upon validating respondent eligibility and the potential for how civilian development may impair the operational utility of the installation, including test and training ranges and associated military airspace, OEA will consider each of the following equally-balanced factors as a basis to invite formal grant applications:

(a) An appropriate and clear project design to address the need, problem, or issue identified;

(b) Evidence of an effective approach to ensure the project supports the continued operational utility of DoD's test, training, and military operations;

(c) The innovative quality of the proposed approach; and

(d) A reasonable, allowable, and allocable proposed budget with a non-Federal match commitment and schedule for completion of the work program specified.

(2) Review and Selection Process

All proposals will be reviewed on their individual merit by a panel of OEA staff, all of whom are Federal employees. OEA may coordinate with the appropriate Military Department, and other appropriate DoD organizational entities, as appropriate in OEA's discretion, to obtain concurrence on the proposal. OEA will notify the respondent, to the extent practical, within thirty (30) days after receipt of a proposal whether their proposal was successful. The successful respondent will then be instructed to submit an application through OEA's grants management system. OEA will assign a Project Manager to advise and assist successful respondents in the preparation of the application. Grant applications will be reviewed for their completeness and accuracy and a grant award notification will be issued, to the extent practical, within seven (7) business days from receipt of a complete application.

Unsuccessful respondents will be notified that their proposal was not selected for further action and funding, and may request a debriefing on their submitted proposal. When applicable, OEA may include information about other applicable Federal grant programs in this communication. Requests for debriefing must be submitted in writing within 3 calendar days of notification of an unsuccessful proposal.

OEA is committed to conducting a transparent financial assistance award process and publicizing information about funding decisions. Respondents are advised that their respective applications and information related to their review and evaluation may be shared publicly. Any proprietary information must be identified as such in the proposal and application. In the event of a grant award, information about project progress and related results may also be made publicly available.

f. Federal Award Administration Information

(1) Federal Award Notices

In the event a grant is ultimately awarded, the successful respondent (Grantee) will receive a notice of award in the form of a Grant Agreement, signed by the Director, OEA (Grantor), on behalf of DoD. The Grant Agreement will be transmitted electronically or, if necessary, by U.S. Mail.

(2) Administrative and National Policy Requirements

Any grant awarded under this program will be governed by the provisions of the OMB circulars and regulations applicable to financial assistance and DoD's implementing regulations in place at the time of the award. A Grantee receiving funds under this opportunity and any consultant or pass-thru entity operating under the terms of a grant shall comply with all Federal, State, and local laws applicable to its activities. Federal regulations that will apply to an OEA grant include administrative requirements and provisions governing allowable costs as stated in:

(a) 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;''

(b) 2 CFR part 1103, ''Interim Grants and Cooperative Agreements Implementation of Guidance'' in 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards;''

(c) 2 CFR part 25, ''Universal Identifier and System for Award Management;''

(d) 2 CFR part 170, ''Reporting Sub-award and Executive Compensation Information;''

(e) 2 CFR part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement), as implemented by DoD in 2 CFR part 1125, Department of Defense Non-procurement Debarment and Suspension; and

(f) 32 CFR part 28, ''New Restrictions on Lobbying''.

(3) Reporting

OEA requires periodic performance reports, an interim financial report for each 12 months a grant is active, and one final performance report for any grant. The performance reports will contain information on the following:

(a) Comparison of actual accomplishments to the objectives established for the period;

(b) Reasons for slippage if established objectives were not met;

(c) Additional pertinent information when appropriate;

(d) A comparison of actual and projected quarterly expenditures in the grant; and

(e) The amount of Federal cash on hand at the beginning and end of the reporting period.

The final performance report must contain a summary of activities for the entire grant period. All required deliverables should be submitted with the final performance report.

The final SF 425, ''Federal Financial Report,'' must be submitted to OEA within 90 days after the end of the grant.

Any grant funds actually advanced and not needed for grant purposes shall be returned immediately to OEA. Upon award, OEA will provide include a schedule for reporting periods and report due dates in the Grant Agreement.

III. Federal Awarding Agency Contacts

For further information, to answer questions, or for help with problems, contact: David Kennedy, Compatible Use, Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202–3711. Office: (703) 697–2136. Email: *david.r.kennedy.civ@mail.mil.*

The OEA homepage address is: *http://www.oea.gov.*

IV. Other Information

a. Grant Award Documentation

Selection of an organization under this Federal Funding Opportunity does not constitute approval of a grant for the proposed project as submitted. Before any funds are awarded, OEA may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support implementation of the award. The amount of available funding may require the final award amount to be less than that originally proposed by the respondent. If the negotiations do not result in a mutually acceptable submission, OEA reserves the right to terminate the negotiations and decline to fund a resulting application. OEA further reserves the right not to fund any proposal received under this Federal Funding Opportunity.

In the event OEA approves an amount that is less than the amount proposed, the respondent will be required to modify its grant application to conform to the reduced amount before execution of the grant agreement. OEA reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the respondent within 15 working days from the date the request for modification is made. Any modifications must be within the scope of the original application and approved by both the respondent and OEA. OEA reserves the right to cancel any award for non-performance.

b. No Obligation for Future Funding

Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of OEA.

Dated: July 30, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–16619 Filed 8–2–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Proposed Reduction in Hours of Operation at Lock and Dam 1, Located in Minneapolis, MN

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

ACTION: Notice.

SUMMARY: The St. Paul District is proposing to reduce the hours of operation at Lock and Dam 1 from 10 hours per day, 7 days per week to 10 hours per day on weekends and holidays and 6 hours per day on Mondays and Fridays. Commercial lockages would be available by appointment only with 24 hours' notice Tuesday through Thursday during normal duty hours of 0700–1530. Proposed hours of operation are 1200–1800 Fridays and Mondays, and 0800–1800 Saturdays, Sundays and holidays. Hours of operation at Lower St. Anthony Falls will not change. This change will help achieve the goal of providing consistent levels of operating service for all locks across the Inland Marine Transportation System (IMTS) with a consistent approach, optimizing Operations and Maintenance expenditures for these assets and extending the service life of navigation locks by optimizing usage. The navigation season on the Upper Mississippi normally begins in March and ends in December, but varies based on river conditions. Pool levels will not be affected by this change of operating hours.

DATES: Submit written comments concerning this notice by September 4, 2019.

ADDRESSES: Submit comments to Ms. Tamara Cameron, Deputy Chief, Operations Division, U.S. Army Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, MN 55101–1678, or by email at *LOS.Comments@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. David Frantz at Corps of Engineers Headquarters in Washington, DC, by phone at 202–761–0250.

SUPPLEMENTARY INFORMATION: There are three (3) Mississippi River locks located in Minneapolis, MN. One of the three locks (Upper Saint Anthony Falls) was closed to navigation on June 10, 2015. The two Mississippi River locks still in operation in Minneapolis, MN, (Lower St. Anthony Falls, and Lock and Dam 1, currently operate 10 hours per day/7 days per week during the navigation season.

Section 2010 of the Water Resources Reform and Development Act of 2014 (WRRDA) directed the Secretary of the Army to close the Upper St. Anthony Falls Lock and Dam located on the Mississippi River at river mile 853.9 no later than one (1) year after the enactment date of WRRDA 2014. To comply with WRRDA, the Corps closed Upper St. Anthony Falls Lock to navigation on June 10, 2015.

With the closing of Upper St. Anthony Falls Lock, a reduction in lockages at the remaining two Minneapolis locks has been observed. The proposed change in level of service complies with the guidance from the Corps IMTS Board of Directors.

The legal authority for the regulation governing the use, administration, and navigation of the Twin Cities locks is Section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), as amended, which is codified at 33 U.S.C. Section 1. This statute requires the Secretary of the Army to ''prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States'' as the Secretary determines may be required by public necessity. Reference 33 CFR 207.300.

Kevin L. Baumgard,

Chief, Operations Division, St. Paul District Army Corps of Engineers.

[FR Doc. 2019–16667 Filed 8–2–19; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Board on Coastal Engineering Research

AGENCY: Department of the Army, DoD.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Board on Coastal Engineering Research. This meeting is open to the public.

DATES: The Board on Coastal Engineering Research will meet from 8:00 a.m. to 12:00 p.m. on August 13, 2019 and reconvene from 8:00 a.m. to

5:00 p.m. on August 14, 2019. The Executive Session of the Board will convene from 8:00 a.m. to 12:00 p.m. on August 15, 2019.

ADDRESSES: All sessions will be held at the Crowne Plaza Detroit Downtown Hotel Windsor Ballroom, 2 Washington Blvd., Detroit, MI 48226. All sessions, including the Executive Session are open to the public. For more information about the Board, please visit *https://chl.erdc.dren.mil/usace-cerb/*.

FOR FURTHER INFORMATION CONTACT: Dr. Julie Dean Rosati Designated Federal Officer (DFO), U.S. Army Engineer Research and Development Center, Waterways Experiment Station, Coastal and Hydraulics Laboratory, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, phone (202) 761–1850, or *Julie.D.Rosati@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The Board on Coastal Engineering Research provides broad policy guidance and reviews plans for the conduct of research and the development of research projects in consonance with the needs of the coastal engineering field and the objectives of the U.S. Army Chief of Engineers.

Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Board on Coastal Engineering Research was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on August 13–15, 2019, of the Board on Coastal Engineering Research. Accordingly, the Advisory Committee Management Officer for the DoD, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: The theme of the meeting is ''Sediment Transport and Regional Sediment Management.'' The purpose of the meeting is to identify Corps coastal research priorities related to present and future Regional Sediment Management challenges and opportunities within the context of large-scale regional studies on the Great Lakes and Nation-wide.

Agenda: On Tuesday morning, August 13, 2019, panel presentations will address Regional Sediment Processes & Management on the Great Lakes. Presentations will include: Regional Coastal Processes & Geologic Setting in the Great Lakes; Great Lakes Sediment Management Challenges; Overview of the RSM Program and Great Lakes Studies; and Great Lakes Coastal Resilience Study. The day will end with a presentation on; St. Clair River Sediment Budget: The convergence of coastal and river processes.

On Wednesday morning, August 14, 2019, the Board will reconvene to discuss Existing Sediment Transport Knowledge & Impacts. A presentation on Framing the Issues: Regional Sediment Management & Sediment Transport will be given. The meeting will then proceed to the second panel discussion entitled ''Sediment Transport Challenges and Solutions'' presentation will include: Fundamental Sediment Transport Processes: The Operational Value of Research; National Dredging Operations: Priority Needs for Delivering the Program; Sustainable Management of Dredged Material and Placement Areas; Beneficial Use Successes, Challenges and Lessons Learned; and RSM and EWN Regulatory & Stakeholders Successes and Challenges.

The Wednesday afternoon session continues with the State of Knowledge and Research Direction's panel. Presentations include: Academic Perspective: Sediment Process Capabilities, Gaps, and Way Forward; Sediment Transport Measurements (Estuarine, Coasts, & Dredging): Future needs in this research area; Sediment Transport Modeling (Estuarine, Coasts, & Dredging): Future needs in this research area; Sediment Management Advancements through R&D and the U.S. Coastal Research Program; and Long-term Plan to Advance Sediment Processes Knowledge for RSM.

The Board will meet in Executive Session to discuss ongoing initiatives and future actions on Thursday morning, August 15, 2019.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public. Because seating capacity is limited, advance registration is required. For registration requirements please see below.

Oral participation by the public is scheduled for 4:00 p.m. on Wednesday, August 14, 2019. The Crowne Plaza Downtown Hotel is fully handicap accessible. For additional information about public access procedures, please contact Dr. Julie Dean Rosati, the Board's DFO, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Registration: It is encouraged for individuals who wish to attend the meeting of the Board to register with the DFO by email, the preferred method of contact, no later than July 30, 2019, using the electronic mail contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, include written comments or statements with the registration email.

Written Comments and Statements: Pursuant to 41 CFR 102–3.015(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments or statements to the Board, in response to the stated agenda of the open meeting or in regard to the Board's mission in general. Written comments or statements should be submitted to Dr. Julie Dean Rosati, DFO, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The DFO will review all submitted written comments or statements and provide them to members of the Board for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the DFO at least five business days prior to the meeting to be considered by the Board. The DFO will review all timely submitted written comments or statements with the Board Chairperson and ensure the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting.

Verbal Comments: Pursuant to 41 CFR 102–3.140d, the Board is not obligated to allow a member of the public to speak or otherwise address the Board during the meeting. Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least five business days in advance to the Board's DFO, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The DFO will log each request, in the order received, and in consultation with the Board Chair, determine whether the subject matter of

each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment, and whose comments have been deemed relevant under the process described above, will be allotted no more than five minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Jeffrey R. Eckstein,

Deputy Director, Coastal and Hydraulics Laboratory.

[FR Doc. 2019–16651 Filed 8–2–19; 8:45 am]

BILLING CODE 3720–58–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meetings

TIME AND DATE: 1:00 p.m.–4:00 p.m., August 8, 2019.

PLACE: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004.

STATUS: Closed. During the closed meeting, the Board Members will discuss issues dealing with potential Recommendations to the Secretary of Energy. The Board is invoking the exemptions to close a meeting described in 5 U.S.C. 552b(c)(3) and (9)(B) and 10 CFR 1704.4(c) and (h). The Board has determined that it is necessary to close the meeting since conducting an open meeting is likely to disclose matters that are specifically exempted from disclosure by statute, and/or be likely to significantly frustrate implementation of a proposed agency action. In this case, the deliberations will pertain to potential Board Recommendations which, under 42 U.S.C. 2286d(b) and (h)(3), may not be made publicly available until after they have been received by the Secretary of Energy or the President, respectively.

MATTERS TO BE CONSIDERED: The meeting will proceed in accordance with the closed meeting agenda which is posted on the Board's public website at *www.dnfsb.gov.* Technical staff may present information to the Board. The Board Members are expected to conduct deliberations regarding potential Recommendations to the Secretary of Energy.

CONTACT PERSON FOR MORE INFORMATION: Glenn Sklar, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

Dated: August 1, 2019.

Bruce Hamilton,

Chairman.

[FR Doc. 2019–16784 Filed 8–1–19; 4:15 pm]

BILLING CODE 3670–01–P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting; August 14 and September 11, 2019

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, August 14, 2019 at the Commission's office building, 25 Cosey Road, West Trenton, New Jersey. A business meeting will be held the following month on Wednesday, September 11, 2019 at The Conference Center at Mercer, Mercer County Community College, 1200 Old Trenton Road, West Windsor, New Jersey. The hearing and meeting are open to the public.

Public Hearing. The public hearing on August 14, 2019 will begin at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources, and resolutions: (a) Authorizing the Executive Director to enter into contracts for analytical services relating to the control of toxic substances in the Delaware River and Bay; and (b) authorizing the Executive Director to enter into a contract with Temple University's Water and Environmental Technology Center for analysis of Delaware River Estuary water samples for microplastics.

The list of projects scheduled for hearing, including project descriptions, and the text of the proposed resolutions will be posted on the Commission's website, *www.drbc.gov,* in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on August 14 will be accepted through 5:00 p.m. on August 19.

The public is advised to check the Commission's website periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review, and items may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

Public Meeting. The public business meeting on September 11, 2019 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's June 12, 2019 Business Meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, a recommendation by the Subcommittee on Ecological Flows (SEF) related to the Flexible Flow Management Program (FFMP) thermal mitigation guidelines, reports by the Executive Director and the Commission's General Counsel, and consideration of any items for which a hearing has been completed or is not required. The latter may include but is not limited to a Resolution for the Minutes updating the *Administrative Manual—By-Laws, Management and Personnel* with regard to personnel policies.

After all scheduled business has been completed and as time allows, the Business Meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission on any topic concerning management of the basin's water resources outside the context of a duly noticed, on-the-record public hearing.

There will be no opportunity for additional public comment for the record at the September 11 Business Meeting on items for which a hearing was completed on August 14 or a previous date. Commission consideration on September 11 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment on the record during the public hearing on August 14 or to address the Commissioners informally during the Open Public Comment portion of the meeting on September 11 as time allows, are asked to sign-up in advance through EventBrite. Links to EventBrite for the Public Hearing and the Business Meeting are available at *www.drbc.gov.* For assistance, please contact Ms. Paula Schmitt of the Commission staff, at *paula.schmitt@drbc.gov.*

Addresses for Written Comment. Written comment on items scheduled

for hearing may be made through the Commission's web-based comment system, a link to which is provided at *www.drbc.gov.* Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628–0360. For assistance, please contact Paula Schmitt at *paula.schmitt@drbc.gov.*

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609–883–9500, ext. 240. For other questions concerning hearing items, please contact David Kovach, Project Review Section Manager at 609–883–9500, ext. 264.

Dated: July 29, 2019.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2019–16610 Filed 8–2–19; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0094]

Agency Information Collection Activities; Comment Request; HEAL Program: Physician's Certification of Borrower's Total and Permanent Disability

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 4, 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–0094. 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 Beth Grebeldinger, 202–377–4018.

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: HEAL Program: Physician's Certification of Borrower's Total and Permanent Disability.

OMB Control Number: 1845–0124.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 78.

Total Estimated Number of Annual Burden Hours: 20.

Abstract: This is a request for an extension of OMB approval of information collection requirements associated with the form for the Health Education Assistance Loan (HEAL) Program, Physician's Certification of Borrower's Total and Permanent Disability currently approved under OMB No. 1845–0124. The form is HEAL Form 539. A borrower and the borrower's physician must complete this form. The borrower then submits the form and additional information to the lending institution (or current holder of the loan) who in turn forwards the form and additional information to the Secretary for consideration of discharge of the borrower's HEAL loans. The form provides a uniform format for borrowers and lenders to use when submitting a disability claim.

Dated: July 31, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–16620 Filed 8–2–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for a Versatile Test Reactor

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of intent.

SUMMARY: As required by the ''Nuclear Energy Innovation Capabilities Act of 2017'' the Department of Energy (DOE) assessed the mission need for a versatile reactor-based fast-neutron source. Having identified the need for such a fast-neutron source, the Act directs DOE to complete construction and approve the start of facility operations, to the maximum extent practicable, by December 31, 2025. To this end, the Department intends to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. This EIS will evaluate alternatives for a versatile reactor-based fast-neutron source facility and associated facilities for the

preparation, irradiation and post-irradiation examination of test/experimental fuels and materials.

DATES: DOE invites public comment on the scope of this EIS during a 30-day public scoping period commencing August 5, 2019, and ending on September 4, 2019. DOE will hold webcast scoping meetings on August 27, 2019 at 6:00 p.m. ET/4:00 p.m. MT and on August 28, 2019 at 8:00 p.m. ET/6:00 p.m. MT.

In defining the scope of the EIS, DOE will consider all comments received or postmarked by the end of the scoping period. Comments received or postmarked after the scoping period end date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the scope of this EIS should be sent to Mr. Gordon McClellan, Document Manager, by mail at: U.S. Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS 1235, Idaho Falls, Idaho 83415; or by email to *VTR.EIS@nuclear.energy.gov.* To request further information about the EIS or to be placed on the EIS distribution list, you may use any of the methods listed in this section. In requesting to be added to the distribution list, please specify whether you would like to receive a copy of the Summary and Draft EIS on a compact disk (CD); a printed copy of the Summary and a CD with the Draft EIS; a full printed copy of the Summary and Draft EIS; or if you prefer to access the document via the internet. The Draft EIS and Summary will be available at: *https://www.energy.gov/nepa.*

FOR FURTHER INFORMATION CONTACT: For information regarding the Versatile Test Reactor (VTR) Project or the EIS, contact Mr. Gordon McClellan at the address given above; or email *VTR.EIS@nuclear.energy.gov*; or call (208) 526–6805. For general information on DOE's NEPA process, contact Mr. Jason Sturm at the address given above; or email *VTR.EIS@nuclear.energy.gov*; or call (208) 526–6805.

SUPPLEMENTARY INFORMATION:

Background

Part of the mission of DOE is to advance the energy, environmental, and nuclear security of the United States and promote scientific and technological innovation in support of that mission. DOE's 2014–2018 Strategic Plan states that DOE will ''support a more economically competitive, environmentally responsible, secure and resilient U.S. energy infrastructure.'' Specifically, ''DOE will continue to explore advanced concepts in nuclear energy that may lead to new types of reactors with further safety improvements and reduced environmental and nonproliferation concerns.''

Many commercial organizations and universities are pursuing advanced nuclear energy fuels, materials, and reactor designs that complement the efforts of DOE and its laboratories in achieving DOE's goal of advancing nuclear energy. These designs include thermal and fast-spectrum [1] reactors targeting improved fuel resource utilization and waste management and utilizing materials other than water for cooling. Their development requires an adequate infrastructure for experimentation, testing, design evolution, and component qualification. Existing irradiation test capabilities are aging, and some are over 50 years old. The existing capabilities are focused on testing of materials, fuels, and components in the thermal neutron spectrum and do not have the ability to support the needs for fast reactors. Only limited fast-neutron-spectrum-testing capabilities, with restricted availability, exist outside the United States.

Recognizing that the United States does not have a dedicated fast-neutron-spectrum testing capability, DOE performed a mission needs assessment to assess current testing capabilities (domestic and foreign) against the required testing capabilities to support the development of advanced nuclear technologies. This needs assessment was consistent with the Nuclear Energy Innovation Capabilities Act of 2017, or NEICA, (Pub. L. 115–248) to assess the mission need for, and cost of, a versatile reactor-based fast-neutron source with a high neutron flux, irradiation flexibility, multiple experimental environment (*e.g.,* coolant) capabilities, and volume for many concurrent users. This assessment identified a gap between required testing needs and existing capabilities. That is, there currently is an inability to effectively test advanced nuclear fuels and materials in a fast-neutron spectrum irradiation environment at high neutron fluxes. Specifically, the DOE Office of Nuclear Energy (NE), Nuclear Energy Advisory Committee (NEAC) report, *Assessment of Missions and Requirements for a New U.S. Test Reactor,* confirmed that there was a need in the U.S. for fast-neutron testing capabilities, but that there is no facility that is readily available domestically or internationally. The NEAC study confirmed the conclusions of an earlier study, *Advanced Demonstration and Test Reactor Options Study.* That study established the strategic objective that DOE ''provide an irradiation test reactor to support development and qualification of fuels, materials, and other important components/items (*e.g.,* control rods, instrumentation) of both thermal and fast neutron-based advanced reactor systems.'' To meet its obligation to support advanced reactor technology development, DOE needs to develop the capability for large-scale testing, accelerated testing, and qualification of advanced nuclear fuels, materials, instrumentation, and sensors. This testing capability is essential for the United States to modernize its nuclear energy infrastructure and for developing transformational nuclear energy technologies that re-establish the U.S. as a world leader in nuclear technology commercialization.

The key recommendation of the NEAC report was that ''DOE–NE proceed immediately with pre-conceptual design planning activities to support a new test reactor'' to fill the domestic need for a fast-neutron test capability. The considerations for such a capability include:

- An intense, neutron-irradiation environment with prototypic spectrum to determine irradiation tolerance and chemical compatibility with other reactor materials, particularly the coolant.
- Testing that provides a fundamental understanding of materials performance, validation of models for more rapid future development, and engineering-scale validation of materials performance in support of licensing efforts.
- A versatile testing capability to address diverse technology options and, sustained and adaptable testing environments.
- Focused irradiations, either long- or short-term, with heavily instrumented experimental devices, and the possibility to do in-situ measurements and quick extraction of samples.
- An accelerated schedule to regain and sustain U.S. technology leadership and to enable the competiveness of U.S-based industry entities in the advanced reactor markets. This can be achieved through use of mature technologies for the reactor design (*e.g.,* sodium coolant

[1] Fast neutrons are highly energetic neutrons (ranging from 0.1 to 5 million electron volts [MeV] and travelling at speeds of thousands to tens of thousands kilometers per second) emitted during fission. The fast-neutron spectrum refers to the range of energies associated with fast neutrons. Thermal neutrons are neutrons that are less energetic than fast neutrons (more than a million times less energetic [about 0.025eV] and travelling at speeds of less than 5 kilometers per second), having been slowed by collisions with other materials such as water. The thermal neutron spectrum refers to the range of energies associated with thermal neutrons.

in a pool-type, metallic-alloy-fueled fast reactor) while enabling innovative experimentation.

A summary of preliminary requirements that meet these considerations include:

- Provide a high peak neutron flux (neutron energy greater than 0.1 MeV) with a prototypic fast-reactor-neutron-energy spectrum; the target flux is 4×10^{15} neutrons per square centimeter per second (neutrons/cm^2-sec) or greater.
- Provide high neutron dose rate for materials testing [quantified as displacements per atom]; the target is 30 displacements per atom per year or greater.
- Provide an irradiation length that is appropriate for fast reactor fuel testing; the target is 0.6 to 1 meter.
- Provide a large irradiation volume within the core region; the target is 7 liters.
- Provide innovative testing capabilities through flexibility in testing configuration and testing environment (coolants) in closed loops.
- Provide the ability to test advanced sensors and instrumentation for the core and test positions.
- Expedite experiment life cycle by enabling easy access to support facilities for experiments fabrication and post-irradiation examination.
- Provide life-cycle management (spent nuclear fuel storage pending ultimate disposal) for the reactor driver fuel (fuel needed to run the reactor) while minimizing cost and schedule impacts.
- Make the facility available for testing as soon as possible by using proven technologies with a high technology readiness level.

Having identified the need for the VTR, NEICA directs DOE ''to the maximum extent practicable, complete construction of, and approve the start of operations for, the user facility by not later than December 31, 2025.''

Secretary of Energy Rick Perry announced the launch of the Versatile Test Reactor Project on February 28, 2019 as a part of modernizing the nuclear research and development (R&D) user facility infrastructure in the United States.

An initial evaluation of alternatives during the pre-conceptual design planning activity recommends the development of a well-instrumented sodium-cooled, fast-neutron-spectrum test reactor in the 300 megawatt-thermal power level range. This design would provide a flexible, reconfigurable testing environment for known and anticipated testing. It is the most practical and cost-effective strategy to meet the mission need and address constraints and considerations identified above. The evaluation of alternatives is consistent with the conclusions of the test reactor options study and the NEAC recommendation.

DOE expects that the VTR, coupled with the existing supporting R&D infrastructure, would provide the basic and applied physics, materials science, nuclear fuels, and advanced sensor communities with a unique research capability. This capability would enable a comprehensive understanding of the multi-scale and multi-physics performance of nuclear fuels and structural materials to support the development and deployment of advanced nuclear energy systems. To this end, DOE is collaborating with universities, commercial industry, and national laboratories to identify needed experimental capabilities.

Purpose and Need for Agency Action

The purpose of this DOE action is to provide a domestic versatile reactor-based fast-neutron source and associated facilities that meet identified user needs (*e.g.,* providing a high neutron flux of at least 4×10^{15} neutrons/cm^2-sec and related testing capabilities). Associated facilities include those for the preparation of driver fuel and test/experimental fuels and materials and those for the ensuing examination of the test/experimental fuels and materials; existing facilities would be used to the extent possible. The United States has not had a viable domestic fast-neutron-spectrum testing capability for over two decades. DOE needs to develop this capability to establish the United States' testing capability for next-generation nuclear reactors—many of which require a fast-neutron spectrum for operation—thus enabling the United States to regain technology leadership for the next generation nuclear fuels, material, and reactors. The lack of a versatile fast-neutron-spectrum testing capability is a significant national strategic risk affecting the ability of DOE to fulfill its mission to advance the energy, environmental, and nuclear security of the United States and promote scientific and technological innovation. This testing capability is essential for the United States to modernize its nuclear energy industry. Further, DOE needs to develop this capability on an accelerated schedule to avoid further delay in the United States' ability to develop and deploy advanced nuclear energy technologies. If this capability is not available to U.S. innovators as soon as possible, the ongoing shift of nuclear technology dominance to other international states (*e.g.,* China, the Russian Federation) will accelerate, to the detriment of the U.S. nuclear industrial sector.

Proposed Action

The Proposed Action is for DOE to construct and operate the VTR at a suitable DOE site. DOE would utilize existing or expanded, collocated, post-irradiation examination capabilities as necessary to accomplish the mission. DOE would use or expand existing facility capabilities to fabricate VTR driver fuel and test items and to manage radioactive wastes and spent nuclear fuel.

Versatile Test Reactor

The Nuclear Energy Innovation Capabilities Act of 2017 (Pub. L. 115–248) directed DOE, to the maximum extent practicable, to approve the start of operations for the user facility by not later than December 31, 2025. DOE recognized that a near-term deadline would require the technology selected for the user facility to be a mature technology, one not requiring significant testing or experimental efforts to qualify the technology needed to provide the capability.

The generation of a high flux of high-energy or fast neutrons requires a departure from the light-water-moderated technology of current U.S. power reactors and use of other reactor moderating and cooling technologies. The most mature technology that could provide the high-energy neutron flux is a sodium-cooled reactor, for which experience with a pool-type configuration and qualification of metallic alloy fuels affords the desired level of technology maturity and safety approach. Sodium-cooled reactor technology has been successfully used in Idaho at the Experimental Breeder Reactor (EBR)-II, in Washington at the Fast Flux Test Facility, and in Michigan at the Fermi 1 Nuclear Generating Station.

The current VTR concept would make use of the proven, existing technologies incorporated in the small, modular GE Hitachi Power Reactor Innovative Small Module (PRISM) design. The PRISM design [2] meets the need to use a sodium-cooled, pool-type reactor of proven (mature) technology. The VTR would be a smaller (approximately 300 megawatt thermal) version of the GE Hitachi

[2] The PRISM design is based on the EBR–II reactor, which operated for over 30 years. PRISM received a review by the Nuclear Regulatory Commission as contained in NUREG–1368, *Preapplication Safety Evaluation Report for the Power Reactor Innovative Small Module (PRISM) Liquid-Metal Reactor,* which concluded that ''no obvious impediments to licensing the PRISM design had been identified.''

PRISM power reactor. The reactor, primary heat removal system, and safety systems would be similar to those of the PRISM design. VTR, like PRISM, would use metallic alloy fuels. The conceptual design for the first fuel core of the VTR proposes to utilize a uranium-plutonium-zirconium alloy fuel. Such an alloy fuel was tested previously in the EBR–II reactor. Later reactor fuel could consist of other mixtures and varying enrichments of uranium and plutonium and could use other alloying metals in place of zirconium.

The VTR core design, however, would differ from the PRISM core in order to accommodate several positions for test and experimental assemblies. Additional experiments could be placed in locations normally occupied by driver fuel in the PRISM reactor. The VTR is not a power reactor; there would be no PRISM power block for the generation of electricity. Heat generated by the VTR would be dissipated through air-cooled heat exchangers; no water would be used in reactor cooling systems.

The VTR would provide the capability to test fuels, materials, instrumentation, and sensors for a variety of existing and advanced reactor designs, including sodium-cooled reactors, lead/lead-bismuth eutectic-cooled reactors, gas-cooled reactors, and molten salt reactors. Test vehicles for coolants other than sodium would consist of closed loops containing the test material enclosed in cartridges that isolate the experiments from the primary coolant, allowing performance of tests on different coolant types. Due to the high flux possible in the VTR, accelerated testing for reactor materials would be possible. These experiments would extend the state-of-the art knowledge of reactor technology. Tests and experiments could also be developed that would improve safeguards technologies. In addition to fast reactor test and experimentation, the VTR could be used for research on long-term fuel cycles, fusion reactor materials, and neutrino science/detector development.

The VTR would not be used as a breeder reactor. All of the driver fuel removed from the reactor core would be stored to allow radioactive decay to reduce dose rates, and then conditioned for disposal; no nuclear materials would be removed from the fuel for the purpose of reuse.

Post-Irradiation Examination Facilities

Concurrent with the irradiation capabilities provided by the VTR, the mission need requires the capabilities to examine the test samples irradiated in the reactor to determine the effects of a high flux of high-energy or fast neutrons. Typically, the test samples would be encapsulated in cartridges such that the material being tested is fully contained. The highly radioactive test sample capsule would be removed from the reactor after a period of irradiation, ranging from days to years, depending on the nature of the test requirements, and transferred to a fully shielded facility where the test item could be analyzed and evaluated remotely. The examination facilities are ''hot-cell'' facilities, which include concrete walls several feet thick, multi-layered, leaded-glass windows several feet thick, and remote manipulators that allow operators to perform a range of tasks remotely without incurring substantial radiation dose from the test samples within the hot cell; in some cases, an inert atmosphere is required to prevent test sample degradation. DOE intends that the hot-cell facilities where the test items are examined and analyzed after removal from the reactor would be in close proximity to the VTR to minimize on- or offsite transportation of the highly radioactive samples.

Other Support Facilities

Key nuclear infrastructure components required to support the VTR and post-irradiation examination include:

- Facilities for VTR driver fuel and test item fabrication
- Facilities for managing radioactive wastes
- Facilities for management of irradiated VTR driver fuel

Nuclear materials for the VTR driver fuel could come from several locations including from within the DOE complex, commercial facilities, or possibly foreign sources. The nuclear materials and zirconium would be alloyed and formed into ingots from which the fuel would be fabricated. The alloy ingots could be produced at one of the locations providing the nuclear materials or the materials could be shipped to a location within the DOE complex for creating the alloy. DOE anticipates fabricating driver fuel from the ingots at the Savanah River site or the Idaho National Laboratory.

DOE would collaborate with a range of university, commercial industry, and national laboratory partners for experiment development. Fabrication of the test and experimental modules could occur at DOE facilities or at the university or commercial industry partners' facilities.

Preliminary Description of Alternatives

As required by the Council on Environmental Quality and DOE NEPA implementing regulations at 40 CFR parts 1500–1508 and 10 CFR part 1021, respectively, DOE will evaluate a range of reasonable alternatives for the construction and operation of a VTR and its associated facilities. As required by NEPA, the alternatives will include a No Action Alternative to serve as a basis for comparison with the action alternatives.

Specific action alternatives proposed for analysis in the EIS include alternative DOE national laboratory sites for the construction and operation of the VTR and the provision of post-irradiation examination. Under all action alternatives and as described previously, the VTR would be a small (approximately 300 megawatt thermal), sodium-cooled, pool-type, metal-fueled reactor based on the GE Hitachi PRISM power reactor. DOE projects approval for the start of operations to occur as early as the end of 2026.

There are ancillary activities necessary to support any of the action alternatives. These include the fabrication of driver fuel, the assembly of test/experimental modules at existing, modified or newly constructed test/experiment assembly facilities, and the management of waste and spent nuclear fuel. After irradiation in the VTR, test/experimental cartridges would be transferred to post irradiation examination facilities. DOE would make use of existing facilities to the extent possible, but these post-irradiation examination facilities may require modification or expansion. These activities would be part of each action alternative.

1. Idaho National Laboratory (INL) VTR Alternative

Under the INL VTR Alternative, DOE would site the VTR at the Materials and Fuels Complex (MFC) at INL and use existing hot-cell and other facilities at the MFC for post-irradiation examination. This area of INL is the location of the Hot Fuel Examination Facility (HFEF), the Irradiated Materials Characterization Laboratory (IMCL), the Experimental Fuels Facility (EFF), the Fuel Conditioning Facility (FCF), and the decommissioned Zero Power Physics Reactor (ZPPR). The existing security fence would be expanded to include VTR.

The existing facilities within the MFC would be modified as necessary to support fabrication of VTR driver fuel or test items and to support post-irradiation examination of irradiated

targets withdrawn from the VTR. These types of activities are ongoing within the MFC. Under the conceptual design, the existing infrastructure including utilities and waste management facilities would be utilized to support construction and operation of the VTR. While some modifications and upgrades to the infrastructure might be necessary, the current infrastructure should be largely adequate to support the VTR.

The post-irradiation examination capabilities at MFC, including existing facilities, equipment, technical, engineering and support staff, would be capable of supporting the anticipated post-irradiation examination activities that the VTR would create. The potential increase in workload among the MFC facilities in the post-startup timeframe might require increased technical and operating staff.

Driver fuel for the VTR would likely be manufactured at the MFC or the Savanah River site, depending on multiple factors including the source of the nuclear material and the availability and capabilities of DOE, commercial, or foreign suppliers.

2. Oak Ridge National Laboratory (ORNL) VTR Alternative

Under the ORNL VTR Alternative, the VTR would be sited at ORNL at a location to be identified.

Several existing facilities would be used and/or modified to provide operational support and needed post irradiation examination capabilities. The existing Irradiated Fuels Examination Laboratory (IFEL) Building 3525 and the Irradiated Materials Examination and Testing (IMET) Building 3025E hot cell facility would be used to support post irradiation examination and material testing. The IFEL is a Category 2 nuclear facility and contains hot cells that are currently used for examination of a wide variety of fuels. The IMET is a Category 3 nuclear facility and contains hot cells that are used for mechanical testing and examination of highly irradiated structural alloys and ceramics. Both facilities would need modifications to accommodate VTR work activities.

The existing Radiochemical Engineering Development Center (REDC) also would be used to support VTR operations. REDC consists of two hot-cell facilities, both constructed during the mid-1960s. REDC operates in conjunction with ORNL's High Flux Isotope Reactor (HFIR) in remote and hands-on fabrication of targets for irradiation and subsequent processing and recovery of valuable radioisotopes. The existing capabilities of the REDC may not be adequate to support the anticipated workload from the VTR and would need to be modified or expanded. Existing glovebox laboratories in Building 7920, currently used for chemical extraction and processing, could be used for fuel and/or test item fabrication. Building 7930 houses heavily shielded hot cells and analytical laboratories that could be used for remote examination of irradiated fuels and test items.

Driver fuel for the VTR would likely be manufactured elsewhere, depending on a number of factors including the source of the nuclear material and the availability and capabilities of DOE, commercial, or foreign suppliers.

3. No Action Alternative—Do Not Construct a VTR

As required by NEPA, DOE will include a No Action Alternative to serve as a basis for comparison with the action alternatives. Under the No Action alternative, DOE would not pursue the construction and operation of a VTR and would make use of the limited capabilities of existing facilities to the extent they are capable and available for testing in the fast-neutron-flux spectrum.

Potential Environmental Issues for Analysis

DOE proposes to address the issues listed in this section when considering the potential impacts of the construction and operations of the proposed facilities (the VTR and associated pre- and post-irradiation facilities) and the transportation of materials (non-irradiated fuel, irradiated [spent] fuel and test materials, and waste):

- Potential effects on public health from exposure to radionuclides under routine and credible accident scenarios including natural disasters: Floods, hurricanes, tornadoes, and seismic events.
- Potential impacts on surface and groundwater, floodplains and wetlands, and on water use and quality.
- Potential impacts on air quality (including global climate change) and noise.
- Potential impacts on plants, animals, and their habitats, including species that are Federal- or state-listed as threatened or endangered, or of special concern.
- Potential impacts on geology and soils.
- Potential impacts on cultural resources such as historic, archeologic, and Native American culturally important sites.
- Socioeconomic impacts on potentially affected communities.
- Potential disproportionately high and adverse effects on minority and low-income populations.
- Potential impacts on land-use plans, policies and controls, and visual resources.
- Potential impacts on waste management practices and activities.
- Potential impacts of intentional destructive acts, including sabotage and terrorism.
- Unavoidable adverse impacts and irreversible and irretrievable commitments of resources.
- Potential cumulative environmental effects of past, present, and reasonably foreseeable future actions.
- Compliance with all applicable Federal, state, and local statutes and regulations, and with international agreements, and required Federal and state environmental permits, consultations and notifications.

Public Scoping Process

NEPA implementing regulations require an early and open process for determining the scope of an EIS and for identifying the significant issues related to the proposed action. To ensure that a full range of issues related to the proposed action are addressed, DOE invites Federal agencies, state, local, and tribal governments, the general public and the international community to comment on the scope of the EIS. Specifically, DOE invites comment on the identification of reasonable alternatives and specific environmental issues to be addressed. Analysis of written and oral public comments provided during the scoping period will help DOE further identify concerns and potential issues to be considered in the Draft EIS.

Webcast Scoping Meeting Information

DOE will host two interactive webcasts during the scoping period as listed under **DATES**. The purpose of the webcasts is two-fold—the first is to provide the public with information about the NEPA process and the VTR Project. The second purpose is to invite public comments on the scope of the EIS.

The webcasts will begin with presentations on the NEPA process and the VTR Project. Following the presentations, there will be a moderated session during which members of the public can provide oral comments on the scope of the EIS analysis. Commenters will be allowed 3 minutes to provide comments. Comments will be recorded. Note that providing oral comments will require joining the meeting by phone.

Members of the public who would like to provide oral comments can pre-register by sending an email to *VTR.EIS@nuclear.energy.gov.* Alternatively, participants will be able to request to speak during the webcast. Those who pre-register should indicate at which session they want to speak and their name.

If you are joining the webcast scoping meeting via internet, copy and paste the link below to login to the meeting site, then follow the prompts. If you are joining the webcast meeting via phone, dial the U.S. toll-free number below and follow the prompts. Comments will be accepted during the webcast meeting, by mail, and by email.

• Join webcast scoping meeting via the internet:

August 27: *https://78449.themediaframe.com/dataconf/productusers/ldos/mediaframe/31759/indexl.html.*

August 28: *https://78449.themediaframe.com/dataconf/productusers/ldos/mediaframe/31762/indexl.html.*

(Copy and Paste into web browser).

• Join webcast public meeting by phone: U.S. toll-free: 877–869–3847.

Signed in Washington, DC on July 29, 2019.

Dennis Miotla,

Chief Operating Officer for Nuclear Energy.

[FR Doc. 2019–16578 Filed 8–2–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–2134–000.

Applicants: Wheelabrator Shasta Energy Company Inc.

Description: Supplemental to June 14, 2019 Wheelabrator Shasta Energy Company Inc. tariff filing.

Filed Date: 7/24/19.

Accession Number: 20190724–5142.

Comments Due: 5 p.m. ET 8/14/19.

Docket Numbers: ER19–2329–001.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: Tariff Amendment: 2019–07–29_SA 2880 Att A-Proj Spec No. 4 WVPA-EnerStar-West Union Substitute to be effective 6/3/2019.

Filed Date: 7/29/19.

Accession Number: 20190729–5090.

Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2486–000.

Applicants: Imperial Valley Solar 2, LLC.

Description: § 205(d) Rate Filing: COC LGIA CTA Filing to be effective 7/30/2019.

Filed Date: 7/29/19.

Accession Number: 20190729–5126.

Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2487–000.

Applicants: Imperial Valley Solar 2, LLC.

Description: § 205(d) Rate Filing: COC New Substation Filing to be effective 7/30/2019.

Filed Date: 7/29/19.

Accession Number: 20190729–5127.

Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER19–2489–000.

Applicants: GridLiance High Plains LLC.

Description: Compliance filing: GHP eTariff Order No. 842 Revisions to be effective 5/15/2018.

Filed Date: 7/30/19.

Accession Number: 20190730–5000.

Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: ER19–2490–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–07–30_SA 3336 ATC-Waterloo Utilities D–TIA to be effective 9/29/2019.

Filed Date: 7/30/19.

Accession Number: 20190730–5029.

Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: ER19–2491–000.

Applicants: Interstate Power and Light Company.

Description: § 205(d) Rate Filing: Concurrence to Wholesale Distribution Service Agreement (George) to be effective 9/1/2019.

Filed Date: 7/30/19.

Accession Number: 20190730–5058.

Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: ER19–2492–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA Construction Agmt—Conversion Ross-Lex-Swift Rev 2 to be effective 9/29/2019.

Filed Date: 7/30/19.

Accession Number: 20190730–5060.

Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: ER19–2493–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 217 to be effective 10/1/2019.

Filed Date: 7/30/19.

Accession Number: 20190730–5063.

Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: ER19–2494–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Revisions to Service Agreement Nos. 218 and 335 to be effective 7/1/2019.

Filed Date: 7/30/19.

Accession Number: 20190730–5079.

Comments Due: 5 p.m. ET 8/20/19.

Docket Numbers: ER19–2495–000.

Applicants: Wessington Springs Wind, LLC.

Description: Baseline eTariff Filing: Wessington Springs Wind, LLC Application for MBR Authority to be effective 9/29/2019.

Filed Date: 7/30/19.

Accession Number: 20190730–5090.

Comments Due: 5 p.m. ET 8/20/19.

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: July 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16621 Filed 8–2–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–193–000]

Columbia Gulf Transmission, L.L.C.; Notice of Schedule for Environmental Review of the Mainline 100 and Mainline 200 Replacement Project

On April 22, 2019, Columbia Gulf Transmission, L.L.C. (Columbia) filed an application in Docket No. CP19–193 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) and 7(b) of the Natural Gas Act to construct, operate, and abandon certain natural gas pipeline facilities. The proposed project is known as the Mainline 100 and Mainline 200 Replacement Project (Project). The Project as proposed would consist of

replacing two older sections of the Mainline 100 and Mainline 200 with pipeline containing thicker walls to minimize safety risks. The Project is located in Menifee and Montgomery Counties, Kentucky.

On May 1, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—October 25, 2019
90-day Federal Authorization Decision Deadline—January 23, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Columbia proposes replacing segments of the existing Class 2 Mainline 100 and Mainline 200 pipelines with Class 3 pipelines to meet the U.S. Department of Transportation's safety regulations. The replacement of Mainline 100 and Mainline 200 consists of the abandonment and replacement of approximately 2,650 feet of 30-inch-diameter natural gas transmission pipeline, within Montgomery and Menifee Counties, Kentucky.

Background

On July 12, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Mainline 100 and Mainline 200 Replacement Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; and other interested parties. To date, no comments have been received in response to the NOI. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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.*

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, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP19–193), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: July 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16625 Filed 8–2–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–86–000]

New York State Public Service Commission and New York State Energy Research and Development Authority v. New York Independent System Operator, Inc.; Notice of Complaint

Take notice that on July 29, 2019, pursuant to sections 206 and 306 of the Federal Power Act (FPA), 16 U.S.C. 824e and 825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, New York State Public Service Commission and New York State Energy Research and Development Authority (collectively, Complainants), filed a formal complaint against New York Independent System Operator, Inc. (NYISO or Respondent) alleging that application of the NYISO's buyer-side market (BSM) power mitigation measures contained in section 23.4 of attachment H of the NYISO's Market Administration and Control Area Services Tariff results in BSM rules that limit full market entry and participation by Energy Storage Resources and interfere with Federal and State policy objectives and, therefore, are unjust and unreasonable, as more fully explained in the complaint.

Complainants certifies that copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

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 and 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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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.

Comment Date: 5:00 p.m. Eastern Time on August 19, 2019.

Dated: July 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16622 Filed 8–2–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–479–000]

Northern Natural Gas Company; Notice of Schedule for Environmental Review of The Bushton to Clifton A-Line Abandonment Project

On June 7, 2019, Northern Natural Gas Company (Northern) filed an application in Docket No. CP19–479 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(b) and 7(c) of the Natural Gas Act to abandon, construct, and operate certain natural gas pipeline facilities. The proposed project is known as the Bushton to Clifton A-line Abandonment Project (Project). The Project would consist of abandoning in-place segments of Northern's A-line and J-line facilities and constructing modifications at the existing Tescott Compressor Station. Due to the age of the pipeline, Northern has been operating segments of the A-line and J-line at reduced pressures to minimize safety risks, and the proposed abandonment will eliminate these safety concerns. The Project is located in Clay, Cloud, Ellsworth, Lincoln, Ottawa, and Rice Counties, Kansas.

On June 16, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—November 8, 2019
90-day Federal Authorization Decision Deadline—February 6, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Northern is proposing to abandon in-place the A-line facilities consisting of approximately 92.76 miles of 26-inch-diameter pipeline on Northern's M640A and M630A and 15.74 miles of 24-inch-diameter pipeline on its M640J pipeline systems and other appurtenant facilities. The Project would consist of the following pipelines and facilities:

- *The M640A and M630A-lines:* Abandonment of the M640 A-line in Kansas consists of approximately 45.64 miles of 26-inch-diameter pipeline beginning at Northern's Bushton Compressor Station located in Ellsworth County, Kansas, and ending near the Tescott Compressor Station in Ottawa County, Kansas. Abandonment of the M630 A-line in Kansas consists of approximately 47.12 miles of 26-inch-diameter pipeline beginning at the Tescott Compressor Station and ending at Northern's Clifton Compressor Station located in Clay County, Kansas.
- *The M640 J-line:* Abandonment of the M640 J-line in Kansas consists of approximately 15.74 miles of 24-inch-diameter pipeline beginning at Block Valve JBJ04 located in Ellsworth County, Kansas, and ending near Block Valve JXA07 located in Ottawa County, Kansas.
- *Tescott Compressor Station:* Northern proposes to construct and operate an additional natural gas-driven ISO rated 11,152 horsepower Solar Mars turbine unit (Unit No. 6) at the existing Tescott Compressor Station. The unit will tie into station piping that is connected to Northern's existing mainlines. Approximately 85 feet of 24-inch-diameter station piping, approximately 40 feet of 36-inch-diameter station piping, and approximately 80 feet of 8-inch-diameter station piping will be removed to accommodate tie-ins.

After abandonment, Northern will continue to operate the other pipelines in its right-of-way and maintain its pipeline easements with the exception of a segment of J-line that will be abandoned in-place.

Background

On July 16, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Bushton to Clifton A-Line Abandonment Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties. To date, no comments have been received in response to the NOI. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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.*

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, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP19–479), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: July 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16623 Filed 8–2–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–1401–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rate—Chevron to Eco-Energy eff 8–1–19 to be effective 8/1/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5028.
Comments Due: 5 p.m. ET 8/12/19.

Docket Numbers: RP19–1402–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Boston releases to SFE eff 8–1–19 to be effective 8/1/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5033.
Comments Due: 5 p.m. ET 8/12/19.

Docket Numbers: RP19–1403–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Compliance filing Big Sandy Fuel Filing effective 9/1/2019.

Filed Date: 7/29/19.
Accession Number: 20190729–5038.
Comments Due: 5 p.m. ET 8/12/19.
Docket Numbers: RP19–1404–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Rate Schedules Clarification to be effective 8/29/2019.
Filed Date: 7/29/19.
Accession Number: 20190729–5078.
Comments Due: 5 p.m. ET 8/12/19.
Docket Numbers: RP19–1405–000.
Applicants: Dominion Energy Overthrust Pipeline, LLC.
Description: Annual Fuel Gas Reimbursement Report of Dominion Energy Overthrust Pipeline, LLC under RP19–1405.
Filed Date: 7/29/19.
Accession Number: 20190729–5151.
Comments Due: 5 p.m. ET 8/12/19.

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: July 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–16624 Filed 8–2–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0611 and EPA–HQ–OPPT–2018–0612; FRL–9988–54]

Agency Information Collection Activities; Proposed New Collections; Comment Request; TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Interviews and Focus Groups (EPA ICR No. 2584.01) and Generic ICR for Surveys (EPA ICR No. 2585.01)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit two Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). The first ICR is entitled: ''TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Interview and Focus Groups'' and is identified by EPA ICR No. 2584.01 and OMB Control No. 2070–[NEW]. The second ICR is entitled: ''TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Surveys'' and is identified by EPA ICR No. 2585.01 and OMB Control No. 2070–[NEW]. Both ICRs are new requests. Before submitting these ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collection activities that are summarized in this document. The ICRs and accompanying material are available for public review and comment in the relevant dockets identified in this document for the ICRs.

DATES: Comments must be received on or before October 4, 2019.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the corresponding ICR as identified in this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Albert Monroe, Economic and Policy Analysis Branch, Chemistry, Economics, and Sustainable Strategies Division, (MC7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–7116; email address: *monroe.albert@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.
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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activities does this action apply to?

EPA intends to initiate two new collection activities to provide more comprehensive and accurate information to inform the evaluation and risk management of existing chemicals as required under section 6 of the Toxic Substances Control Act (TSCA), which was amended in 2016 by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, 15 U.S.C. 2601 *et seq.* EPA must prioritize, evaluate, and/or determine risks for at least 20 chemicals at a time, and manage any unreasonable risks, all under strict statutory deadlines. For each chemical evaluated, EPA must evaluate hazards and exposures for each condition of use and manage through regulations all risks that it has determined to be unreasonable. The Supporting

Statement for each ICR, a copy of which is available in the corresponding docket, provides a more detailed explanation.

A. Docket ID Number EPA–HQ–OPPT–2018–0611

Title: TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Interviews and Focus Groups.

ICR number: EPA ICR No. 2584.01.

OMB control number: OMB Control No. 2070–[NEW].

ICR status: This ICR is for a new information collection activity. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to PRA approval unless it displays a currently valid OMB control number. The OMB control numbers for the EPA regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the preamble of the final rule, are further displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instruments or form, if applicable.

Abstract: The purpose of this ICR is to help provide data for EPA's risk evaluations and risk management of existing chemicals under TSCA section 6 more efficiently and effectively. EPA must gather information with sufficient detail about chemicals, including hazards, conditions of use, exposures, potentially exposed and susceptible subpopulations, alternatives, and regulatory options in a timely fashion to meet TSCA's strict statutory timeframes as set forth in TSCA section 6. Therefore, EPA is proposing a generic ICR to conduct interviews and focus groups of chemical users, processors, distributors, manufacturers (including importers), recyclers, chemical waste handlers, consumers, employees, state regulators, non-governmental organizations, and industry experts related to information collection for TSCA chemical risk evaluation and management. This generic ICR is intended to supplement currently reasonably available information on chemicals in commerce and provide support for the Agency's evaluation and regulatory activities regarding existing chemicals.

As appropriate, EPA would collect data in several ways, such as interviews and focus groups. Data collected under this generic clearance may be used in several ways during the risk evaluation and risk management processes, including establishing generic scenarios, developing models of various conditions of use of chemicals evaluated under TSCA or their alternatives, pretesting survey questions, and providing important context for publicly available information already available to EPA. This research would consist of open-ended structured discussions or interviews with individuals or small groups of individuals, and therefore can provide in-depth information. By learning more about the conditions of use, exposures, and alternatives to chemicals being evaluated or regulated, EPA would be able to more efficiently and effectively carry out its mandate under TSCA to protect human health and the environment from unreasonable risks.

EPA would not collect information of a sensitive or private nature. However, respondents may claim information provided in an interview or focus group as CBI under TSCA section 14. Please refer to TSCA section 14(b) to understand what information is not protected from disclosure. For example, TSCA section 14(a) does not prohibit the disclosure of information from health and safety studies that are submitted under TSCA. Information on the requirements for asserting CBI claims under TSCA can be found at *https://www.epa.gov/tsca-cbi/making-cbi-claims-tsca-submissions.* EPA would disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures of TSCA section 14, which provides advance notice and an opportunity to object prior to public disclosure.

Burden statement: The annual public reporting burden for this collection of information is estimated to average 0.99 hours per response. There are no recordkeeping burdens. Burden is defined in 5 CFR 1320.3(b). The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected entities: Entities potentially affected by this ICR include chemical manufacturers (as long as the information requested does not duplicate information already in possession of the federal government), chemical users (including government agencies), processors, distributors, product manufacturers, recyclers, chemical waste handlers, consumers, employees, and others with important information about the chemical being evaluated or considered for risk management under TSCA. As such, there are no typical respondent NAICS codes and the respondents will vary depending on the conditions of use of each chemical under consideration.

Estimated total number of potential respondents: 714.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 237 hours.

Estimated total annual costs: $18,296. This includes an estimated burden cost of $18,296 and an estimated cost of $0 for capital investment or maintenance and operational costs.

B. Docket ID Number EPA–HQ–OPPT–2018–0612

Title: TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Surveys.

ICR number: EPA ICR No. 2585.01.

OMB control number: OMB Control No. 2070–[NEW].

ICR status: This ICR is for a new information collection activity. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to PRA approval unless it displays a currently valid OMB control number. The OMB control numbers for the EPA regulations in title 40 of the CFR, after appearing in the preamble of the final rule, are further displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instruments or form, if applicable.

Abstract: The purpose of this ICR is to help collect data for EPA's risk evaluations and risk management of existing chemicals under TSCA section 6. EPA must gather information with sufficient detail about chemicals' conditions of use, exposures, potentially exposed or susceptible subpopulations, alternatives, and regulatory options in a timely fashion in order to meet TSCA's strict statutory timeframes as set forth in TSCA section 6. Therefore, EPA is proposing a generic ICR to conduct surveys of chemical users, processors, distributors, manufacturers (including importers), recyclers, chemical waste handlers, consumers, employees, state regulators, non-governmental organizations, and industry experts related to information collection for TSCA chemical risk evaluation and management. Surveys are defined as the collection of information from a common group through interviews or the application of questionnaires to a representative sample of that group.

These information collection efforts are intended to supplement currently reasonably available information on chemicals in commerce and would provide support for the Agency's evaluation and regulatory activities regarding existing chemicals. By learning more about the conditions of use, exposures, potentially exposed and

susceptible subpopulations, alternatives, and regulatory options for chemicals being evaluated or regulated, EPA would be able to more efficiently and effectively carry out its mandate under TSCA to protect human health and the environment from unreasonable risks.

EPA would not collect information of a sensitive or private nature. However, respondents may claim information provided in an interview or focus group as CBI under TSCA section 14. Please refer to TSCA section 14(b) to understand what information is not protected from disclosure. For example, TSCA section 14(a) does not prohibit the disclosure of information from health and safety studies that are submitted under TSCA. Information on the requirements for asserting CBI claims under TSCA can be found at *https://www.epa.gov/tsca-cbi/making-cbi-claims-tsca-submissions.* EPA would disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures of TSCA section 14, which provides advance notice and an opportunity to object prior to public disclosure.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2 hours per response. Burden is defined in 5 CFR 1320.3(b). The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected entities: Potential respondents include chemical manufacturers, chemical users, processors, distributors, manufacturers (including importers), recyclers, chemical waste handlers, consumers, employees, state regulators, non-governmental organizations, and industry experts about the chemical being evaluated or considered for risk management under TSCA. As such, there are no typical respondent NAICS codes and the respondents will vary depending on the conditions of use of each chemical under consideration.

Estimated total number of potential respondents: 600.

Frequency of response: On occasion, as necessary to support risk evaluation and management of existing chemicals.

Estimated total average number of responses for each respondent: One.

Estimated total annual burden hours: 400 hours.

Estimated total annual costs: $31,008. This includes an estimated burden cost of $31,008 and an estimated cost of $0 for capital investment or maintenance and operational costs.

V. What is the next step in the process for these ICRs?

EPA will consider the comments received and amend the individual ICRs as appropriate. The final ICR packages will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.10. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of these ICRs to OMB and the opportunity for the public to submit additional comments for OMB consideration. If you have any questions about any of these ICRs or the approval process in general, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: July 18, 2019.

Alexandra Dapolito Dunn,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2019–16616 Filed 8–2–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Idaho National Laboratory in Scoville, Idaho, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: The Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 513–533–6800. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION: On June 21, 2019, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Idaho National Laboratory (INL) in Scoville, Idaho, and who were monitored for external radiation at the Idaho Chemical Processing Plant (CPP) (*e.g.,* at least one film badge or TLD dosimeter from CPP) between January 1, 1963, and February 28, 1970, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on July 21, 2019. Therefore, beginning on July 21, 2019, members of this class of employees, defined as reported in this notice, became members of the SEC.

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

John J. Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2019–16602 Filed 8–2–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis (ACET)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Advisory Council for the Elimination of Tuberculosis Meeting (ACET). This meeting is open to the public, limited only by 60 room seating and 100 ports for audio phone lines. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt is Monday, August 19, 2019. Persons who desire to make an oral statement, may request it at the time of the public comment period on August 20, 2019 at 3:20 p.m. EDT.

DATES: The meeting will be held on August 20, 2019, 10:00 a.m. to 3:30 p.m., EDT.

ADDRESSES: 8 Corporate Blvd., Building 8, Conference Rooms 1A and 1B, Atlanta, Georgia 30329 and Web conference: 1–877–927–1433 and participant passcode: 12016435 and

https://adobeconnect.cdc.gov/r5p8l2tytpq/.

FOR FURTHER INFORMATION CONTACT: Margie Scott-Cseh, Committee Management Specialist, CDC, 1600 Clifton Road NE, Mailstop: E–07, Atlanta, Georgia 30329–4018, telephone (404) 639–8317; *zkr7@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: This Council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters To Be Considered: The agenda will include discussions on (1) Update on Youth Risk Behavior Surveillance (YRBS) tuberculosis questions; (2) Overview of successful strategies implemented by the Texas Department of State Health Services to increase its tuberculosis budget; (3) Overview of tuberculosis prevention, treatment, and care of minors in HHS custody; and (4) Update from ACET workgroups. Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–16614 Filed 8–2–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0143]

Harmful and Potentially Harmful Constituents in Tobacco Products; Established List; Proposed Additions; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is requesting comments, including scientific and other information, concerning whether additional harmful and potentially harmful constituents (HPHCs) in tobacco products and tobacco smoke should be added to the Agency's list of HPHCs (the HPHC established list). This information will assist the Agency in determining whether any or all of the 19 constituents listed in this document should be added to the HPHC established list.

DATES: Submit either electronic or written comments by October 4, 2019.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–0143 for ''Harmful and Potentially Harmful Constituents in Tobacco Products; Established List; Proposed Additions; Request for Comments.'' Received comments 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 Office 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 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.fda.gov/regulatoryinformation/dockets/default.htm*.

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: Eric Mandle or Nathan Mease, Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002; 1–877–287–1373, *CTPRegulations@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), enacted on June 22, 2009, amends the Federal Food, Drug, and Cosmetic Act (FD&C Act) by, among other things, adding a new chapter (chapter IX) granting FDA the authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors (Pub. L. 111–31). Cigarettes, cigarette tobacco, roll-your-own (RYO) tobacco, and smokeless tobacco were immediately subject to chapter IX.

For other kinds of tobacco products, the statute authorizes FDA to issue regulations ''deeming'' them to be subject to chapter IX. FDA published a final rule on May 10, 2016 (81 FR 28974) (the Deeming Rule), deeming all products that meet the statutory definition of ''tobacco product'' set forth in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)), including components and parts, but excluding accessories of deemed products, to be subject to chapter IX of the FD&C Act.[1]

Section 904(e) of the FD&C Act (21 U.S.C. 387d(e)) requires FDA to establish, and periodically revise as appropriate, ''a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand.'' FDA first established the list on April 3, 2012 (77 FR 20034) (the April 2012 notice).[2] The list currently contains 93 HPHCs (the HPHC established list). The April 2012 notice describes the history of the HPHC established list, and for additional background, we refer readers to that notice and the notice FDA published in the **Federal Register** on August 12, 2011 (76 FR 50226) (the August 2011 notice), in which we solicited public comment, including scientific and other information, concerning the HPHCs in tobacco products and tobacco smoke, including which constituents should be included on the HPHC established list, and the criteria used in determining whether a constituent is harmful or potentially harmful such that it should be included on the HPHC list.[3]

[1] This 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,'' 21 CFR part 1100, is available at *https://www.gpo.gov/fdsys/pkg/FR-2016-05-10/pdf/2016-10685.pdf*.

[2] ''Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Established List,'' 77 FR 20034 (April 3, 2012).

[3] ''Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Request for Comments,'' 76 FR 50226 (August 12, 2011). The August 2011 notice and the April 2012 notice are collectively referred to as the **Federal Register** notices.

II. Proposed Changes to the HPHC List

A. Application of Existing Criteria to Deemed Products; Proposed Addition of Glycidol and Ethylene Glycol to the HPHC List

As discussed previously, when the Agency established the HPHC established list, the tobacco products that were subject to its authorities under chapter IX of the FD&C Act were limited to cigarettes, cigarette tobacco, RYO tobacco, and smokeless tobacco products. Since then, however, the FDA's tobacco product authorities were extended under the Deeming Rule to all products, including components and parts (but excluding accessories of deemed products) that meet the statutory definition of tobacco product, including electronic nicotine delivery systems (ENDS). Therefore, consistent with section 904(e) of the FD&C Act, the Agency is considering revising the HPHC established list to reflect the current range of tobacco products now subject to the Agency's tobacco product authorities as well as the Agency's growing scientific expertise with respect to all tobacco products.

1. Glycidol

FDA has tentatively concluded that in revising the HPHC established list, the Agency should continue to apply the criteria that were originally applied when determining whether a constituent should be put on the list. Glycidol is a thermal byproduct of glycerol, a common component in e-liquids. In other words, glycidol can form and appear in the aerosol when a glycerol-containing solvent such as an e-liquid is heated and aerosol is produced (Refs. 1–2). Following a review of the data concerning degradation of glycerol, FDA has applied the original criteria and tentatively concluded that glycidol should be included on the HPHC established list, unless other scientific information obtained by or submitted to the Agency shows that the constituent is not, in fact, harmful or potentially harmful. The International Agency for Research on Cancer (IARC) has identified glycidol as a probable carcinogen (Ref. 3). As discussed in the April 2012 notice, FDA has concluded that it should consider a constituent meeting this criterion to be harmful or potentially harmful, such that it should be included on the HPHC established list, unless other scientific information obtained by or submitted to the Agency shows that the constituent is not, in fact, harmful or potentially harmful.[4]

2. Ethylene Glycol

In accordance with the original criteria, FDA has tentatively concluded that ethylene glycol should also be included on the HPHC established list, unless other scientific information obtained by or submitted to the Agency shows that the constituent is not, in fact, harmful or potentially harmful. In 2015, the California Environmental Protection Agency identified ethylene glycol (ingested) as a reproductive toxicant based on its developmental toxicity (Ref. 4).[5] As discussed in the April 2012 notice, FDA has concluded that it should consider a constituent meeting this criterion to be harmful or potentially harmful, such that it should be included on the HPHC established list, unless other scientific information obtained by or submitted to the Agency shows that the constituent is not, in fact, harmful or potentially harmful. Ethylene glycol has been identified in e-liquids, indicating that this compound may be used to replace glycerol and propylene glycol (Refs. 5 and 6).[6]

B. Addition of a Criterion for Identifying Constituents That Cause or Have the Potential To Cause Harm

Furthermore, at this time, FDA has tentatively concluded that the Agency should apply one additional criterion when determining whether a constituent should be included on the HPHC established list. Specifically, FDA tentatively concludes that in addition to the previously described criteria, the following criterion also should be applied for determining whether a constituent should be included on the HPHC established list, unless other scientific information obtained by or submitted to the Agency shows that the constituent is not, in fact, harmful or potentially harmful:

- Constituents identified by the National Institute for Occupational

[4] For more information, we refer you to the April 2012 notice.

[5] Users of tobacco products can be exposed to ethylene glycol through ingestion as well as other routes of administration. For example, during use of inhaled products, a fraction of the aerosol is deposited in the mouth-throat area and is swallowed, resulting in subsequent systemic exposures to aerosol constituents via the oral route.

In June 2015, ethylene glycol was added to the list of chemicals known to the State of California to cause reproductive toxicity under Proposition 65, or the Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 *et seq.* See *https://oehha.ca.gov/proposition-65/crnr/ethylene-glycol-ingested-listed-reproductive-toxicant* (accessed October 2018).

[6] The Agency has expressed concern about ethylene glycol in e-liquid tobacco products before. See the Deeming Rule (81 FR 28974 at 29029).

Safety and Health (NIOSH) as having adverse respiratory effects.

FDA believes that having the additional criterion described in this document for use in determining whether a constituent is harmful or potentially harmful will be beneficial. We have tentatively identified 17 constituents that meet this criterion. They are: Acetic acid, acetoin, acetyl propionyl, benzyl acetate, butyraldehyde, diacetyl, ethyl acetate, ethyl acetoacetate, ethylene glycol (as discussed in section II.A., this compound also meets one of the criteria that were originally applied), furfural, glycerol, isoamyl acetate, isobutyl acetate, methyl acetate, n-butanol, propionic acid, and propylene glycol. As part of the Centers for Disease Control and Prevention (CDC), NIOSH is the Federal agency responsible for conducting research and making science-based recommendations to prevent work-related illness and injuries, including those related to human health hazards and respiratory disease from inhalation exposures to toxicants. In reaching the tentative conclusion described above, the Agency notes that FDA already considers whether NIOSH has identified a constituent as a potential occupational carcinogen in determining whether that constituent should be included on the HPHC list.[7]

C. Proposed Addition of Diethylene Glycol to the HPHC List

FDA has proposed diethylene glycol (DEG) as an HPHC because we are concerned that a product that contains either glycerol or propylene glycol also could be contaminated, perhaps inadvertently, by DEG. The acute health consequences from exposure to DEG-contaminated products may be serious and irreversible (Ref. 7). Poisoning because of DEG is not a common occurrence. Most of the documented cases of illness and death from DEG poisoning have been outbreaks where DEG was substituted in pharmaceutical preparations for the glycols or glycerine constituents customarily used (Ref. 8). Toxicity can result from ingestion [8] or dermal exposure to DEG-contaminated products (Refs. 9–10). Inhalation exposure to DEG-contaminated products also can have serious health consequences (Refs. 11 and 12). Suppliers of glycerol and propylene glycol can dilute them with DEG (Refs. 13 and 14) and manufacturers, unaware of the added DEG, can use the contaminated glycerol or propylene glycol in tobacco products. Although FDA has no reason to believe that U.S. suppliers of glycerol and propylene glycol currently use DEG, FDA has detected DEG in e-liquids and ENDs aerosol (Refs. 15 and 16).[9] Therefore, the Agency has tentatively concluded that DEG should be included on the HPHC established list.

D. Proposed Addition of 19 Toxicants to the HPHC List

Applying all the criteria discussed earlier in this document and using available information, FDA tentatively concludes that the 19 toxicants in table 1 should be added to the HPHC established list. This tentative conclusion is consistent with our definition of ''harmful and potentially harmful constituent'' as set forth in the Agency guidance entitled ''Harmful and Potentially Harmful Constituents' in Tobacco Products as Used in Section 904(e) of the Federal Food, Drug, and Cosmetic Act'' (Revised) dated August 2016 (the HPHC Guidance) in that the Agency has reviewed data regarding constituents identified in tobacco products and their smoke, including in e-liquids and in aerosols of ENDS products that are, or potentially are, inhaled, ingested, or absorbed into the body, including as an aerosol (vapor) or any other emission.

TABLE 1—LIST OF THE ADDITIONAL CHEMICALS AND CHEMICAL COMPOUNDS IDENTIFIED BY FDA AS HARMFUL AND POTENTIALLY HARMFUL CONSTITUENTS IN TOBACCO PRODUCTS AND TOBACCO SMOKE

Constituent	Carcinogen (CA), Respiratory Toxicant (RT), Reproductive or Developmental Toxicant (RDT), Poisonous Chemical (PC)
Acetic Acid	RT
Acetoin (also known as 3-hydroxy-2-butanon3	RT
Acetyl propionyl (also known as 2,3-pentanedione)	RT
Benzyl acetate	RT
Butyraldehyde	RT
Diacetyl	RT
Diethylene glycol	PC
Ethyl Acetate	RT
Ethyl Acetoacetate	RT
Ethylene Glycol	RT, RDT
Furfural	RT
Glycerol	RT
Glycidol	CA
Isoamyl Acetate	RT
Isobutyl Acetate	RT
Methyl Acetate	RT
n-Butanol	RT
Propionic Acid	RT
Propylene Glycol	RT

[7] See the April 2012 notice (77 FR 20034 at 20035). In this notice, FDA concluded that it should adopt the criteria proposed in the August 2011 notice.

[8] For more information on DEG, including a discussion of ingestion toxicity, we refer you to FDA's guidance for industry *Testing of Glycerin for Diethylene Glycol* (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm070347.pdf.*

[9] The Agency has expressed concern about DEG in tobacco products before. See the Deeming Rule (81 FR 28974 at 29031) and the proposed deeming rule (79 FR 23141 at 23157).

III. Identification of HPHCs Is an Ongoing Effort

FDA recognizes that there may be constituents that are ''harmful or potentially harmful'' that FDA neither included on the established HPHC list nor proposed to be added to that list per table 1. The criteria described previously in the April 2012 notice and the additional criterion described in this document generally depend on a chemical or chemical compound being studied and identified by FDA or another regulatory entity as having adverse effects that are relevant to cancer, cardiovascular, respiratory, developmental, or reproductive effects. That a constituent has not been so identified by FDA or other entities could be because it has not been adequately studied or has not yet been systematically reviewed. Consistent with our obligations under section 904(e) of the FD&C Act, FDA intends to continue:

- Our efforts to review other disease outcomes to assess whether additional chemicals or chemical compounds in tobacco products or tobacco smoke, including chemicals or chemical compounds in the emissions from the range of tobacco products now deemed to be subject to chapter IX of the FD&C Act, are harmful or potentially harmful constituents that contribute to the risk of other diseases;
- Our consideration of whether additional or different criteria should be selected to help identify other classes of harmful or potentially harmful chemicals and chemical compounds for inclusion on the HPHC established list and whether individual constituents should be added; and
- Our efforts to review new information to determine if it would be appropriate to remove one or more of the constituents that appear on the HPHC established list, or to add additional constituents to the list.

IV. Request for Comments and Information

FDA is soliciting public comment on this notice, including scientific and other information on the following topics:

- The additional criterion FDA is proposing to use when determining whether a constituent should be added to the HPHC established list;
- Whether any chemicals or chemical compounds not listed in table 1 should be included because they are harmful or potentially harmful, including supporting scientific or other information; and
- Whether any of the chemicals or chemical compounds listed in table 1, including as a result of the proposed criterion, should not be included because they are not harmful or potentially harmful, including supporting scientific or other information.

Interested persons may submit to the Dockets Management Staff (see **ADDRESSES**) either electronic or written comments regarding this document.

V. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov*. References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Laino, T., C. Tuma, A. Curioni, et al., ''A Revisited Picture of the Mechanism of Glycerol Dehydration,'' *Journal of Physical Chemistry A,* 115(15):3592–3595, 2011. *https://doi.org/10.1021/jp201078e*.

2. Sleiman, M., J. Logue, V. Montesinos, et al., ''Emissions from Electronic Cigarettes: Key Parameters Affecting the Release of Harmful Chemicals,'' *Environmental Science & Technology,* (50)9644–9651, 2016. *https://doi.org/10.1021/acs.est.6b01741*.

3. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Vol. 77, at 482 (2000). *https://monographs.iarc.fr/wp-content/uploads/2018/06/mono77.pdf*.

*4. Borghardt, J.M., C. Kloft, and A. Sharma, ''Inhaled Therapy in Respiratory Disease: The Complex Interplay of Pulmonary Kinetic Processes,'' *Canadian Respiratory Journal,* 2018, doi:10.1155/2018/2732017. *http://downloads.hindawi.com/journals/crj/2018/2732017.pdf*.

5. Dionex Corporation, ''Determination of Ethylene Glycol and Diethylene Glycol in a Sorbitol Solution,'' Application Note 246, LPN 2505, Sunnyvale, CA, 2016. *https://assets.thermofisher.com/TFS-Assets/CMD/Application-Notes/AN-246-IC-Ethylene-Diethylene-Glycol-Sorbitol-LPN2505-EN.pdf*.

6. Hutzler, C., M. Paschke, S. Kruschinski, et al., ''Chemical Hazards Present in Liquids and Vapors of Electronic Cigarettes,'' *Archives of Toxicology,* 88(7): 1295–1308, 2014. *https://doi.org/10.1007/s00204-014-1294-7*.

7. Diethylene Glycol Poisoning (Cal. Poison Control System) Dec. 21, 2012, available at *https://calpoison.org/news/diethylene-glycol-poisoning* (last accessed on October 10, 2018).

8. Schep, L.J., R.J. Slaughter, W.A. Temple, and D. M. Beasley, ''Diethylene Glycol Poisoning'' *Clinical Toxicology,* 47(6):525–535 at 526, 2009. *https://doi.org/10.1080/15563650903086444*.

9. Devoti, E., E. Marta E. Belotti, et al., ''Diethylene Glycol Poisoning from Transcutaneous Absorption,'' *American Journal of Kidney Diseases,* 65(4):603–606, 2015. *https://doi.org/10.1053/j.ajkd.2014.07.032*.

*10. National Industrial Chemicals Notification and Assessment Scheme, Existing Hazard Assessment Report, Diethylene Glycol (DEG), Australian Government Department of Health and Ageing (June 2009). *https://www.nicnas.gov.au/__data/assets/word_doc/0018/37323/Diethylene-glycol-DEG-hazard-assessment.docx*.

*11. Health Council of the Netherlands. ''Diethylene glycol; Health-based recommended occupational exposure limit.'' *https://www.healthcouncil.nl/documents/advisory-reports/2007/10/17/diethylene-glycol*.

12. Sanina Y., ''Remote Consequences of Chronic Inhalation of Diethylene Glycol,'' *Gigiena I Sanitariia* (1968).

*13. FDA Guidance for Industry, ''Testing of Glycerin for Diethylene Glycol,'' May 2007, available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/testing-glycerin-diethylene-glycol*.

*14. August 2, 1996, CDC Morbidity and Mortality Weekly Report. *https://www.cdc.gov/mmwr/PDF/wk/mm4530.pdf*.

*15. Varlet, V. et al., ''Toxicity Assessment of Refill Liquids for Electronic Cigarettes,'' *International Journal of Environmental Research and Public Health* 2015, 12, 4796–4815. *https://www.mdpi.com/1660-4601/12/5/4796*.

*16. FDA Memorandum, ''Evaluation of E-Cigarettes,'' from B. Westenberger, CDER/OPS/OTR, to M. Levy, Center for Drug Evaluation and Research, Office of Compliance, May 4, 2009.

Dated: July 30, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–16658 Filed 8–2–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Opportunities for Collaborative Research at the NIH Clinical Center.

Date: September 4, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Office of Scientific Review/DERA, National Heart, Lung and Blood Institute, 6701 Rockledge Drive, Bethesda, MD 20879 (Telephone Conference Call).

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonwj@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Disparities Elimination through Coordinated Interventions to Prevent and Control Heart and Lung Disease Risk (DECIPHeR).

Date: September 13, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn, Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–827–7953, *kristen.page@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 30, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–16615 Filed 8–2–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services National Advisory Council (CMHS NAC) on August 21, 2019.

The meeting is open to the public and will include consideration of minutes from the April 22, 2019 SAMHSA CMHS NAC meeting; updates from the CMHS Director; and discussion on Children's School Based/Mental Health, Civil Commitment, and Suicide.

The meeting will be held in Rockville, Maryland and can also be accessed virtually. Attendance by the public will be limited to the space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Individuals interested in sending written submissions or making public comments, must forward them and notify the contact person on or before August 14, 2019. Up to three minutes will be allotted for each presentation.

Registration is required to participate during this meeting. To attend in person, virtually, or to obtain the call-in number and access code, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register on-line at: *http://snacregister.samhsa.gov/MeetingList.aspx* or communicate with the CMHS NAC Designated Federal Officer; Pamela Foote.

Meeting information and a roster of Council members may be obtained by accessing the SAMHSA website at: *http://www.samhsa.gov/about-us/advisory-councils/cmhs-national-advisory-council* or by contacting the CMHS NAC Designated Federal Officer; Pamela Foote.

Council Name: Substance Abuse and Mental Health Services Administration Center for Mental Health Services National Advisory Council.

Date/Time/Type: Wednesday, August 21, 2019, 9:00 a.m. to 4:00 p.m., EDT, (OPEN).

Place: SAMHSA, 5600 Fishers Lane, Room 5A02, Rockville, Maryland 20857.

Contact: Pamela Foote, Designated Federal Officer, CMHS National Advisory Council, 5600 Fishers Lane, Room 14E53C, Rockville, Maryland 20857, *Telephone:* (240) 276–1279, *Fax:* (301) 480–8491, *Email: pamela.foote@samhsa.hhs.gov*.

Carlos Castillo,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2019–16694 Filed 8–2–19; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2019–0006]

Office of Bombing Prevention Training and Conference Forms

AGENCY: Infrastructure Security Division (ISD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; Revision, 1670–0031.

SUMMARY: DHS CISA ISD will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are due by October 4, 2019.

ADDRESSES: You may submit comments, identified by docket number CISA–2019–0006, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: dhsobptaskings@HQ.DHS.GOV.* Please include docket number CISA–2019–0006 in the subject line of the message.
- *Mail:* Written comments and questions about this Information Collection Request should be forwarded to DHS/CISA/ISD/OBP, ATTN: 1670–0031, 245 Murray Lane SW, Mail Stop 0609, Washington, DC 20598–0609.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received, please go to *www.regulations.gov* and enter docket number CISA–2019–0006.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, 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. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication

will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Doug DeLancey, 703–235–8207, *dhsobptaskings@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION: Under the Homeland Security Presidential Directive-19, DHS was mandated to develop strategies and recommendations on how to deter, prevent, detect, protect against, and respond to IED explosive attacks. DHS thus educates private sector security providers about IED threats, including tactics, techniques, and procedures relevant to their usage, so private sector security providers are knowledgeable about terrorist use of explosives and contribute to a layered security approach.

The Presidential Policy Directive-17 provides guidance to update and gives momentum to our ability to counter threats involving improvised explosive devices. DHS was mandated to deliver standardized IED awareness and familiarization training for federal, state and local responders and public safety personnel. The DHS CISA ISD Office for Bombing Prevention (OBP) must collect various information to effectively deliver this training. Additionally, OBP collects data to provide updated and awareness product information following conferences and other outreach events. OBP describes these collections below.

The purpose of the Volunteer Participant Release of Liability Agreement is to collect necessary information in case an individual who acts as a volunteer role player in support of official OBP training sustains an injury or death during the performance of their supporting role. If legal action is taken, this information can serve as a hold harmless statement/agreement by the Government. In the unlikely event that an injury or death is sustained in the performance of support for training, this information will be used by OBP to protect against legal action by the volunteer or their family. If legal action is taken, this information can serve as a ''hold harmless'' statement/agreement by the Government.

The purpose of the Gratuitous Services Agreement is to establish that no monies, favors or other compensation will be given or received by either party involved in volunteer training. The information from the Gratuitous Services Agreement will be used by OBP in the event that questions arise regarding remuneration or payment for volunteer participation in training events.

The purpose of the OBP Interest Sign-up sheet is to collect an individual's contact information at the training events and conferences. This information is used by OBP in order to follow-up with an individual's questions and to provide the individual with updated or new awareness product information at the conclusion of conference season as well as establish an OBP point of contact for them.

The changes to the collection since the previous OMB approval include: Updating the collection name to better reflect instruments in the collection, adding the collecting of contact information, an increase in burden estimates and costs.

The addition of the Interest Sign-up Sheet has increased the annual burden estimate by 8 hours, which corresponds to an annual cost of $319. It has also increased the annual government burden estimate by 2 hours at an annual cost of $247.

The annual burden cost for the existing collections (*i.e.,* the Volunteer Participant Release of Liability Agreement and the Gratuitous Services Agreement) has increased by $2,204, from $3,894 to $6,098, due to updated hourly compensation rates.

The annual government cost for the existing collections (*i.e.,* the Volunteer Participant Release of Liability Agreement and the Gratuitous Services Agreement) has increased by $11,695, from $6,831 to $18,526, due to updated hourly compensation rates.

This is a revision and renewal of an information collection.

OMB is particularly interested in comments that:

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 submissions of responses.

Title of Collection: Office of Bombing Prevention Training and Conference Forms.

OMB Control Number: 1670–0031.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments and Private Sector Individuals.

Number of Annualized Respondents: 1,250.

Estimated Time per Respondent: 0.10 hours, 0.02 hours.

Total Annualized Burden Hours: 158 hours.

Total Annualized Respondent Opportunity Cost: $6,416.

Total Annualized Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $18,773.

Larry L. Willis,

Business Management Branch Chief.

[FR Doc. 2019–16598 Filed 8–2–19; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0044]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Action on an Approved Application or Petition

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 4, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received

must include the agency name and the OMB Control Number 1615–0044 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on April 26, 2019, at 84 FR 17868, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0012 in the search box. Written comments and suggestions from the public and affected agencies 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Action on an Approved Application or Petition.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–824; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection is used to request a duplicate approval notice, as well as to notify and to verify the U.S. Consulate that a petition has been approved or that a person has been adjusted to permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–824 is 11,500 and the estimated hour burden per response is 0.42 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,830 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $1,480,625.

Dated: July 30, 2019.

Jerry L Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–16617 Filed 8–2–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2019–N063; FXES11140800000–190–FF08EVEN00]

Draft Categorical Exclusion and Draft General Conservation Plan for Cultivation Activities in Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft general conservation plan (GCP), as well as the associated draft categorical exclusion (CatEx), for cultivation activities in Santa Barbara County, California. The Service developed the GCP in accordance with the Endangered Species Act to provide a streamlined mechanism for proponents engaged in activities associated with agricultural development, to meet statutory and regulatory requirements while promoting conservation of the Santa Barbara County distinct population segment of the California tiger salamander. The Service prepared the draft CatEx in accordance with the National Environmental Policy Act to evaluate the potential effects to the natural and human environment resulting from issuing permits under the GCP. We invite public comment on these documents.

DATES: Written comments should be received on or before September 4, 2019.

ADDRESSES: *Obtaining Documents:* You may download a copy of the draft GCP and draft CatEx at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail (below) or by phone (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Email: sbc-cultivationgcp@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, by phone at 805–677–3312, via the Federal Relay Service at 1–800–877–8339 for TTY assistance, or at the Ventura address (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft general conservation plan (GCP), as well as the associated draft categorical exclusion (CatEx), for cultivation activities in Santa Barbara County. We invite public comment on these documents.

Draft General Conservation Plan

The draft GCP was developed by the Service in accordance with section 10(a)(2)(A) of the Endangered Species Act of 1973, as amended (ESA; 16

U.S.C. 1531 *et seq.*). The GCP meets the issuance criteria as required by section 10(a)(2)(B) of the ESA for issuance of a section 10(a)(1)(B) incidental take permit (ITP). The Service developed the GCP to provide a streamlined mechanism for proponents engaged in in activities associated with the installation and operation of vineyards, crops, and other agricultural development, to meet statutory and regulatory requirements while promoting conservation of the Santa Barbara County distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*). Permits issued under the GCP would authorize incidental take of the Santa Barbara County DPS of the California tiger salamander for up to 20 years after the plan becomes effective.

Draft Categorical Exclusion

The Service prepared the draft CatEx in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing permits under the GCP.

Background

The Service listed the Santa Barbara County DPS of the California tiger salamander as endangered on September 21, 2000 (65 FR 57242).

Section 9 of the ESA and its implementing regulations prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittees would receive assurances under our ''No Surprises'' regulations ((50 CFR 17.22(b)(5) and 17.32(b)(5)) regarding conservation activities for the Santa Barbara County DPS of the California tiger salamander.

Proposed Action

The proposed action is approval of the GCP and subsequent issuance of permits. The Service prepared the GCP to provide a more efficient and standardized mechanism for proponents in activities associated with the installation and operation of vineyards, crops, and other agricultural development on non-Federal lands. The GCP meets the permit issuance criteria as required by section 10(a)(2)(B) of the ESA and enables the construct of a programmatic permitting and conservation process to address a defined suite of proposed activities over a defined planning area. The proposed GCP would allow private individuals, local and State agencies, and other non-Federal entities to meet the statutory and regulatory requirements of the ESA by applying for permits and complying with the requirements of the GCP, including all applicable avoidance, minimization, and mitigation actions.

The draft CatEx provides the required NEPA documentation for the proposed Federal action, which is approval of a conservation plan and subsequent issuance of permits pursuant to section 10(a)(1)(B) of the ESA. The CatEx also provides baseline environmental information, and a discussion of impacts to the human and natural environment that may occur as a result of implementation of the proposed GCP.

Public Availability of Comments

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 view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2019–16626 Filed 8–2–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX19DK40FGUK0100; OMB Control Number 1028–0097]

Agency Information Collection Activities; State Water Resources Research Institute Program Annual Application, National Competitive Grants, and Reporting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 4, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0097 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Earl Greene by email at *eagreene@usgs.gov* or by telephone at 571–332–4184.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including

through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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.

Abstract

The U.S. Geological Survey (USGS) Water Resources Research Act (WRRA) program issues an annual announcement to solicit applications for the noncompetitive State Water Resources Research Program annual grants authorized by section 104(c) and for the national competitive grant program authorized by section 104(g) of the Water Resources Research Act of 1984 (Pub. L. 98–242), as amended [42 U.S.C. 10303(c)].

Annual grants (104c) may contain research and information transfer projects as well as an administration project describing the institutes overall administration and objectives. The research projects are generally selected in a competitive statewide solicitation, peer review, and selection process designed and conducted by each institute. National competitive grants (104g) will focus on water problems and issues of a regional or interstate nature beyond those of concern only to a single State and which relate to specific program priorities identified jointly by the Secretary (of the Interior) and the institutes.

The State Water Resources Research Institutes were established under Section 104(a) of the Act [42 U.S.C. 10303(a)]. There are 54 Water Resources Research Institutes, one in each state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam. The Institutes are organized as the National Institutes for Water Resources (NIWR). NIWR cooperates with the USGS in establishing total programmatic direction, reporting on the activities of the institutes, coordinating and facilitating regional research and information and technology transfer.

Title of Collection: State Water Resources Research Institute Program Annual Application, National Competitive Grants, and Reporting.

OMB Control Number: 1028–0097.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Universities.

Total Estimated Number of Annual Respondents: 54.

Total Estimated Number of Annual Responses: 54.

Estimated Completion Time per Response: 80 hours.

Total Estimated Number of Annual Burden Hours: 4,320 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Earl Greene,

Program Coordinator, Water Resources Research Act.

[FR Doc. 2019–16653 Filed 8–2–19; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A501010.999900253G]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Rosebud Sioux Tribe and the State of South Dakota)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the extension of the Class III gaming compact between the Rosebud Sioux Tribe and the State of South Dakota.

DATES: The extension takes effect on August 5, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: An extension to an existing Tribal-State Class III gaming compact does not require approval by the Secretary if the extension does not modify any other terms of the compact. 25 CFR 293.5. The Rosebud Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration date of their existing Tribal-State Class III gaming compact to October 21, 2019. This publication provides notice of the new expiration date of the compact.

Dated: July 9, 2019.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2019–16692 Filed 8–2–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028454; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Alabama Museums, Tuscaloosa, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Alabama Museums has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Alabama Museums. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Alabama Museums at the address in this notice by September 4, 2019.

ADDRESSES: Dr. William Bomar, Executive Director, University of Alabama Museums, 121 Smith Hall, Tuscaloosa, AL 35487, telephone (205) 348–7550, email *bbomar@ua.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Alabama Museums, Tuscaloosa, AL. The human remains and associated funerary objects were removed from sites 1Ct125, 1Ct129, and 1Ct130 in Colbert County, AL; sites 1Cu157 and 1Cu158 in Cullman County, AL; sites 1Fr1, 1Fr323, and 1Fr331 in Franklin County, AL; sites 1Mg61, 1Mg62, 1Mg63, and 1Mg356 in Morgan County, AL; and ''WA'' which, more likely than not is from site 1Wa1 in Walker County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Alabama Museums professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

In 1960–1962, human remains representing, at minimum, 37 individuals (HRID 3738–3762) were removed from the Stanfield-Worley Bluff Shelter, Site 1Ct125, in Colbert County, AL. The excavations were conducted by the University of Alabama, Tuscaloosa, AL, under contract with the Archaeological Research Association of Alabama, Inc., Birmingham, AL. Stanfield-Worley was a large multicomponent bluff shelter. Diagnostic artifacts indicate occupation dating from Late Paleoindian (Dalton points) to Mississippian (Moundville Incised and Carthage Incised pottery) times. The human remains represent infants, children, adolescents, and adults of both sexes. No known individuals were identified. The four associated funerary objects are two unspecified points and two occurrences of turtle shell. 60 additional associated funerary objects are currently missing from the collections.

Stanfield-Worley, 1Ct125 is known for its stratigraphically isolated Late Paleoindian and Early Archaic zone. The report notes that all burials were found in higher strata. Based on the funerary objects, Burials 6, 8, and 11 can be assigned to the Middle Archaic, Morrow Mountain horizon. Burial 1 contained sherds of Wright Check Stamped, dating to the Middle Woodland. Burials 7 and 9 are described generally as Shell-Mound Archaic. The mortuary practices exhibited at this site are consistent with known aboriginal practices.

In 1962, human remains representing, at minimum, one individual was removed from the Felton site, 1Ct129 in Colbert County, AL (HRID 3763). The site was excavated by the University of Alabama, Tuscaloosa, AL, under contract with the Archaeological Research Association of Alabama, Inc., Birmingham, AL, as part of the investigation of several sites in the Mud Creek and Town Creek watershed in northwestern AL. The Felton site was marked by scattered flint chips and pottery sherds in a pasture overlooking the flood plain of Town Creek, 30 feet above the creek level and 300 feet to the west. When three short test trenches showed the site to be shallow and unstratified the excavations were terminated. Burial 2 contains human remains of a young adult of indeterminate sex, 18–25 years of age. No known individuals were identified. No associated funerary objects are present.

There is no documentation for this burial. The only available information is what is written on the bag. Whether this is accurate is indeterminate. Osteological analysis suggests that the human remains are Native American. Diagnostic artifacts from the site span the time from Early Archaic (Kirk Corner Notched) to Mississippian (undecorated shell tempered sherds). Sherds of every temper group in the region are present in small numbers. The most extensive occupation on the site is from the Shell Mound Archaic. Although the six features excavated are believed to date from this time, the antiquity of the human remains is unknown.

In 1962, human remains representing, at minimum, 20 individuals were removed from the Fennel site, 1Ct130 in Colbert County, AL (HRID 3764–3777, 4081). The site was excavated by the University of Alabama, Tuscaloosa, AL, under contract with the Archaeological Research Association of Alabama, Inc., Birmingham, AL, as part of the investigation of several sites in the Mud Creek and Town Creek watershed in northwestern AL. A total of 15 burials were excavated, and human remains are present in each of them. The human remains of infants, children, adolescents, and adults of both sexes are present. No known individuals were identified. The four associated funerary objects are one mussel shell with pigment, one lot of beads, the one sandstone vessel fragment, and the one limestone slab. 17 additional associated funerary objects are currently missing from the collections.

Of the recovered burials, only Burials 5 and 7 contained artifacts indicative of any temporal association. A fragmentary sandstone vessel in Burial 5, and a Mulberry Creek point in Burial 7 were classified as Shell Mound Archaic. The other burials cannot be classified as exclusively Archaic or Woodland as no burial pit or any other feature contained pottery sherds. The mortuary practices exhibited at this site are consistent with known aboriginal practices. Diagnostic artifacts from the site span the time from Late Paleoindian (Dalton) to Mississippian (undecorated shell tempered sherds). Two sherds were assigned to the Protohistoric to historic McKee Island series. Sherds of every temper group in the region are present. The most extensive occupation on the site is from the Shell Mound Archaic. This evidence, plus the absence of ceramics in the burials and features, most likely date these burials to the Shell Mound Archaic.

In 1993, human remains representing, at minimum, one individual were removed from Site 1Cu157 in Cullman County, AL (HRID 4075). The human remains were excavated from a bluff shelter by Mr. Hugh O'Rear, who was digging in the bluff shelter in search of a cave entrance. Mr. O'Rear later contacted the University of Alabama, Tuscaloosa, AL. An archeologist from the University visited the shelter and recorded the site in August 1993. At that time, a small collection of material, including human remains, was turned over to the archeologist. The human remains represent one adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

No systematic investigation of Site 1Cu157 has been made. The donated collection contains a small amount of lithic and ceramic material, some of which dates to Middle Woodland times. Osteological analysis does not suggest the human remains are other than

Native American. The antiquity of the human remains, however, is unknown.

In 1993, human remains representing, at minimum, one individual were removed from Site 1Cu158 in Cullman County, AL (HRID 4074). The human remains were excavated from a bluff shelter by Mr. Hugh O'Rear, who was digging in the bluff shelter in search of a cave entrance. Mr. O'Rear later contacted the University of Alabama, Tuscaloosa, AL. An archeologist from the University visited the shelter and recorded the site in August 1993. At that time a small collection containing human remains was turned over to the archeologist. The human remains represent one adult female approximately 18–25 years old. No known individuals were identified. No associated funerary objects are present.

No systematic investigation of Site 1Cu158 has been made. No temporally diagnostic artifacts are in the donated materials. Osteological analysis does not suggest the human remains are other than Native American. The antiquity of the human remains, however, is unknown.

In 1936, human remains representing, at minimum, 70 individuals were removed from Little Bear Cave, Site 1Fr1 in Franklin County, AL (HRID 3863–3886). The only documentation on file for Little Bear Cave is a site form dated Feb. 10, 1936. The site form notes that the cave was discovered by Mr. W.A. Barksdale, who was looking for places to set traps. Mr. Barksdale excavated the site on Jan. 15, 1936, recovering ''10 skulls.'' The cave was visited by archeologists from the University of Alabama, Tuscaloosa, AL, in Feb. 1936. They collected material including skeletons, two pottery vessels, and other artifacts. One bag of human remains is labeled Burial 10. The other bags are marked SK A to SK T, but most bags contain elements of multiple individuals. There is one bag of miscellaneous human remains. The material includes a fetus, infants, children, adolescents, and adults of both sexes. No known individuals were identified. The two pottery vessels are currently missing from the collections.

The mortuary practices exhibited at this site are consistent with known aboriginal practices. Given the lack of documentation, the antiquity of these human remains is unknown.

In 1968 and 1969, human remains representing, at minimum, four individuals were removed from Rollins Bluff Shelter, Site 1Fr323, in Franklin County, AL (HRID 3734–3737). The site was excavated by the University of Alabama, Tuscaloosa, AL, under contract with the Archaeological Research Association of Alabama, Inc., Birmingham, AL. The site was one of a number of bluff shelters excavated across northern Alabama in a search for a stratified site containing evidence of Paleoindian occupation. The four individuals include one adolescent and three adults. One adult is probably female. No known individuals were identified. Seven associated funerary objects from Burial 1 are currently missing from the collections.

Site 1Fr323 was a deep, stratified site. The lower zones contained artifacts dating from the Late Paleoindian and Early Archaic. The upper zone contained a small number of ceramics. There was no indication of Mississippian occupation. The four burials at Site 1Fr323 were located at depths of 2 feet to 3 feet, corresponding in general to Zone C from the Archaic stage. The mortuary practices exhibited at this site are consistent with known aboriginal practices.

In 1961 and 1962, human remains representing, at minimum, 11 individuals were removed from the Klein site, 1Fr331, in Franklin County, AL (HRID 3727–3733). The site was excavated by the University of Alabama, Tuscaloosa, AL, under contract with the Archaeological Research Association of Alabama, Inc., Birmingham, AL, as part of the investigation of several sites in the Mud Creek and Town Creek watershed in northwestern Alabama. The human remains include an infant, a child, and adults of both sexes. No known individuals were identified. Four associated funerary objects are currently missing from the collection.

The mortuary practices exhibited at this site are consistent with known aboriginal practices. The Klein site was a multicomponent site dating from the Late Paleoindian to the Late Woodland. About 90 percent of the ceramics were found on the surface of the site. Occupational evidence was confined to the plowzone and a 1.5–2.0 foot thick underlying midden with shells. Burials were located within and just below the plowzone. No ceramics were found in the burial pits. Also, most of the temporally diagnostic artifacts in the upper midden levels dated to the Middle to Late Archaic. This suggests a general Middle to Late Archaic age for the human remains.

In 1940, human remains representing, at minimum, 21 individuals were removed from San Souci Cave, Site 1Mg61, in Morgan County, AL (HRID 729–741, 4693). The site was excavated by the University of Alabama, Tuscaloosa, AL, using WPA-era labor. Excavations at that time focused on sites to be inundated by reservoirs along the Tennessee River, but San Souci Cave was a so-called ''accommodation'' site during periods of inclement weather. In addition, the University was interested in investigating caves and mounds possibly associated with the Middle Woodland, Copena mortuary complex. The human remains represent children, adolescents, and adults of both sexes. They come from 14 burials and the general excavations. No known individuals were identified. The 12 associated funerary objects are nine antler drifts, one bar gorget, one beaver incisor, and one mussel shell. 17 additional associated funerary objects are currently missing from the collection.

There is no report for this site. The mortuary practices exhibited at this site are consistent with known aboriginal practices. The site form notes ceramics from every time period. Some sherds were classified as McKee Island types, which date from the Protohistoric to Historic periods. Sandstone vessel sherds indicate a late pre-ceramic occupation. A 1942 summary of the investigations list a ''Pre-pottery (?)'' occupation. The burials are described as fully flexed or seated, indicating an Archaic or Woodland age.

In 1940, human remains representing, at minimum, nine individuals were removed from the Leeman Mound, 1Mg62, in Morgan County, AL (HRID 570–577). The site was excavated by the University of Alabama, Tuscaloosa, AL, using WPA-era labor. The excavations were part of a program of investigating caves and mounds associated with the Middle Woodland, Copena mortuary complex. The excavations took place in several counties bordering the Tennessee River in northeastern AL. The human remains come from seven burials and the general excavations. The human remains include one child, one adolescent, and seven adults. One adult could be identified as male. The seven associated funerary objects are five greenstone celts, one greenstone spade, and one marine shell cup. One additional associated funerary object is currently missing from the collection.

The Leeman Mound was a Middle Woodland, Copena burial mound. Copena is named for *COP*per and gal*ENA,* two nonlocal materials often found as funerary objects. Copena dates from 300 B.C. to A.D. 400. The mortuary practices exhibited at this site are consistent with known Copena practices.

In 1940, human remains representing, at minimum, 216 individuals were removed from Robinson Mound, 1Mg63, in Morgan County, AL. The site was excavated by the University of Alabama,

Tuscaloosa, AL, using WPA-era labor. The excavations were part of a program of investigating caves and mounds associated with the Middle Woodland, Copena mortuary complex. The excavations took place in several counties bordering the Tennessee River in northeastern Alabama. The human remains come from 94 burials and the general excavations or disturbed soil. The human remains include a fetus, infants, children, adolescents, and adults of both sexes. No known individuals were identified. The five associated funerary objects are three greenstone spades and two greenstone celts. 178 additional associated funerary objects are currently missing from the collection.

The Robinson Mound was a Middle Woodland, Copena burial mound. The mortuary practices exhibited at this site are consistent with known Copena practices.

In 1992, human remains representing, at minimum, one individual was removed from Site 1Mg356, an unnamed bluff shelter in Morgan County, AL. The site was extensively excavated by local individuals, and the University of Alabama was contacted by the landowner, whose grandson had found human remains at the site. An archeologist from the University retrieved the human remains and recorded the site. The human remains belong to a female, approximately 17–25 years old. No known individuals were identified. No associated funerary objects are present.

Although there is little information about the association of these human remains, their location in a bluff shelter along with evidence of prehistoric occupation is consistent with known aboriginal mortuary practices. There is nothing in the osteological information inconsistent with this assignment.

At an unknown date, human remains representing, at minimum, 16 individuals were removed from an unknown site or sites. The human remains were in three bags marked ''WA,'' which is the designation for Walker County, AL. There is some evidence these human remains come from Site 1Wa1. The human remains represent infants, children, adolescents, and adults. Two males and two females were identified. No known individuals were identified. No associated funerary objects are present.

There are no osteological indications that these human remains are not Native American. Site 1Wa1 exhibits evidence of prehistoric utilization.

Determinations Made by the University of Alabama Museums

Officials of the University of Alabama Museums have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their origination within Native American archeological sites, and/or their antiquity, the mortuary practices evident, and the absence of any evidence of any alternate assignment.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 408 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 32 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama; The Muscogee (Creek) Nation; Thloplocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816 indicates that the land from which the Native American human remains and funerary objects were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama; The Chickasaw Nation; The Muscogee (Creek) Nation; Thloplocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma, hereafter referred to as ''The Aboriginal Land Tribes.''

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. William Bomar, Executive Director, University of Alabama Museums, 121 Smith Hall, Tuscaloosa, AL 35487, telephone (205) 348–7550, email *bbomar@ua.edu,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

The University of Alabama Museums is responsible for notifying The Consulted Tribes and The Aboriginal Land Tribes that this notice has been published.

Dated: July 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16685 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028405; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Nebraska State Historical Society, DBA History Nebraska, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Nebraska, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of a sacred object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the History Nebraska. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to History Nebraska at the address in this notice by September 4, 2019.

ADDRESSES: Trisha Nelson, History Nebraska, 1500 R Street, Lincoln, NE 68508–1651, telephone (402) 471–4760, email *trisha.nelson@nebraska.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of History Nebraska, Lincoln, NE, that meets the definition of a sacred object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

On March 6, 1922, Robert B. Small donated one sacred object consisting of a Winnebago bundle to History Nebraska (legally the Nebraska State Historical Society). An inventory of Mr. Small's donation indicates that the bundle had been with the Tribe for more than one hundred years and was given to Mr. Small by Joseph Harrison, a member of the Winnebago Tribe who died around 1920. The bundle had been in Mr. Harrison's possession for more than fifty years and ''had kept away the evil spirit and also given him good luck in war and in peace.'' Mr. Harrison gave the bundle to his old friend Mr. Small, believing it would bring him good fortune too. Mr. Small had been a clerk at the Winnebago Agency and a cashier at the Homer State Bank for about 14 years.

This object was included in the NAGPRA summary sent to the Winnebago Tribe of Nebraska in November of 1993. However, resulting consultation in the mid-1990s did not specifically involve this bundle. On September 18, 2018, Eben Crawford and Randy Teboe, representing the Winnebago Tribe of Nebraska, initiated consultation with History Nebraska regarding the possible repatriation of five objects, not including this bundle. On September 24, 2018, Mr. Crawford and Mr. Teboe met with History Nebraska staff at the Museum of Nebraska History; a spreadsheet listing Winnebago artifacts controlled by History Nebraska was shared at that time. On February 25, 2019 the Winnebago Tribe (represented by Eben Crawford and Randy Teboe) requested repatriation of the bundle (object number 1902) demonstrating that it is a sacred object.

Determinations Made by History Nebraska

Officials of History Nebraska have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by a traditional Native American religious leader for the practice of traditional Native American religion by present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Winnebago Tribe of Nebraska.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Trisha Nelson, History Nebraska, 1500 R Street, Lincoln, NE 68508–1651, telephone (402) 471–4760, email *trisha.nelson@nebraska.gov,* by September 4, 2019. After that date, if no additional claimants have come forward, transfer of control of the sacred object to the Winnebago Tribe of Nebraska may proceed.

History Nebraska is responsible for notifying the Winnebago Tribe of Nebraska that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16682 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028457; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State Museum, University of Arizona, Tucson, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arizona State Museum, University of Arizona has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on September 10, 2014. This notice corrects the number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arizona State Museum, University of Arizona. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arizona State Museum, University of Arizona at the address in this notice by September 4, 2019.

ADDRESSES: Claire S. Barker, Repatriation Coordinator, Arizona State Museum, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–0320, email *csbarker@email.arizona.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Arizona State Museum, University of Arizona, Tucson, AZ. The human remains and associated funerary objects were removed from Pima County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (79 FR 53761–53767, September 10, 2014). The number of associated funerary objects has increased due to a search through uncatalogued collections. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 53762, September 10, 2014), column 3, paragraph 3, sentence 7 is corrected by substituting the following sentence:

The 179 associated funerary objects are one animal bone, one bone awl, 172 ceramic sherds, two ceramic vessels, one chipped stone, and two soil samples.

In the **Federal Register** (79 FR 53764, September 10, 2014), column 2, paragraph 3, sentence 5 is corrected by substituting the following sentence:

The 381 associated funerary objects are 130 animal bones, one bead, one ceramic bowl, five ceramic bowl fragments, one ceramic jar, 124 ceramic sherds, nine lots of charcoal, 108 chipped stones, one clay fragment, and one shell bracelet fragment.

In the **Federal Register** (79 FR 53766, September 10, 2014), column 2, paragraph 4, sentence 2 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(3)(A), the 2,011 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Claire S. Barker, Repatriation Coordinator, Arizona State Museum, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–0320, email *csbarker@email.arizona.edu,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico; hereafter referred to as ''The Tribes,'' may proceed.

The Arizona State Museum, University of Arizona is responsible for notifying the Tribes that this notice has been published.

Dated: July 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16688 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028455; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Institute of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Institute of Archaeology (Peabody) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Robert S. Peabody Institute of Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Robert S. Peabody Institute of Archaeology at the address in this notice by September 4, 2019.

ADDRESSES: Ryan Wheeler, Robert S. Peabody Institute of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Robert S. Peabody Institute of Archaeology, Andover, MA. The human remains and associated funerary objects were removed from four sites in FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Robert S. Peabody Institute of Archaeology professional staff in consultation with representatives of the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma.

The Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Caddo Nation of Oklahoma; Catawba Indian Nation (aka Catawba Tribe of South Carolina); Cherokee Nation; Chitimacha Tribe of Louisiana; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; Tunica-Biloxi Indian Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma were invited to consult but did not participate.

Hereafter, all the Indian Tribes listed in this section are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In January 1920, human remains representing, at minimum, nine individuals were removed by Fred Alanson Luce and his son Stanley Eldridge Luce from the Macey Mound (8OR10313) in Orange County, FL. Luce described the site as located on the Macey farm and the shores of Lake Butler (actually Lake Tibet-Butler), near the community of Zantee (a railroad siding and turpentine still that was all but defunct in 1920). The excavations are documented in a 215 page journal prepared by Fred Luce dated 1940, presumably based on notes taken in the field. Luce also made photographs, some artifact sketches, and sketch maps and plans of the excavation, all of which are on file at the Robert S. Peabody Institute of Archaeology. The collection was originally deposited by Luce at the

Haverhill Historical Society ''The Buttonwoods,'' but was transferred to the Peabody in 1995. Examination by physical anthropologists Michael Gibbon and Harley Erickson found that the human remains represent two adults of indeterminate sex; four adult males; one adult, possibly female; and two juveniles of indeterminate sex. No known individuals were identified. The 1,685 associated funerary objects are one charcoal sample; one whelk shell columella; one shell bead; one stone plummet; nine quartz pebbles; three chert bifaces; one sand sample; and 1,668 pottery sherds.

Luce states that the mound was originally eight feet high and around seven yards in diameter, with a narrow trench connecting the mound to the lake shore, possibly a linear earthwork (which would not be uncommon for the area around Lake Okeechobee and the Kissimmee River). Luce mentions a great deal of human bone and some artifacts on the mound surface resulting from the earlier leveling work, and that the property owners had found one complete pottery vessel during earlier digging. The mound was constructed from very white sand. The descriptions of the burials suggest secondary interment, as well as some considerable disturbance of the mound in the past. Luce describes at least three burned areas that included human bone, charcoal and pottery. One of these, found outside the grid, on the east side of the mound, could be a pottery cache. Most of the burials and other features were found from near the mound surface to around 40 inches below surface; it seems that much of the material encountered above 30 inches had been disturbed in the past, with a few intact burials still preserved deeper in the mound.

The ceramic inventory from Macey Mound is dominated by spiculate wares. Based on the pottery, the Macey Mound likely dates to the Late Woodland Period, circa A.D. 500–1000. Cultural resource management investigations being conducted at the Macey Mound in 2019 have identified European artifacts, indicating occupation and use of the site during the seventeenth century as well.

At an unknown time, human remains representing, at minimum, one individual were removed by W.E. Snyder from a site in Fernandina, Amelia Island, Nassau County, FL. The Peabody received the human remains and associated funerary objects from Snyder on October 1, 1890. Examination of the human remains indicate that they represent one adult of indeterminate age and sex. No known individual was identified. The six associated funerary objects are stamped pottery sherds of either the Lamar or San Marcos series. The presence of the six decorated pottery sherds, all late types, indicates a date after A.D. 1400, perhaps as recent as seventeenth or early eighteenth centuries.

In 1903, human remains representing, at minimum, one individual were removed by Clarence B. Moore from an unknown site in Florida. The catalog entries indicate that the human remains and associated funerary objects were removed from an archeological site in Florida by Moore during his 1903 expedition to the state, which included explorations in Calhoun, Citrus, Franklin, Gadsden, Hernando, Hillsborough, Jackson, Lafayette, Levy, Liberty, and Pasco Counties (based on Moore's fieldnotes at the Division of Rare and Manuscript Collections, Cornell University Library). Moore transferred these human remains and funerary objects to the Phillips Academy Department of Archaeology (now known as the Robert S. Peabody Institute of Archaeology) sometime shortly after its opening in 1903. Physical anthropologist Michael Gibbon identified the human remains as those of a newborn or infant of indeterminate sex. No known individual was identified. The three associated funerary objects are one lot of medium sized shell beads and fragmentary beads, including one glass bead; one lot of small and medium shell beads and fragments, including flat, tubular, and round shapes; and one lot of medium shell beads and fragments, including flat, tubular, and round beads. The glass bead indicates a date in the sixteenth through eighteenth century or later.

In 1894, human remains representing, at minimum, one individual was removed by Clarence B. Moore from the Mound near Peter's Creek, Green Cove Spring, Clay County, FL. Moore transferred these human remains and funerary objects to the Phillips Academy Department of Archaeology (now known as the Robert S. Peabody Institute of Archaeology) sometime shortly after its opening in 1903. Moore excavated the Mound near Peter's Creek (8CL6) in 1894 and reports on it in his 1894 publication, *Certain Sand Mounds of the St. John's River, Florida, Part II.* He describes the site, located near Green Cove Springs, as originally 4 feet high and 60 feet in diameter, and notes that, ''in occasional pockets of pink sand were many shell beads with human remains.'' A note in the Peabody accession ledger for Cat. # 40361 reads, ''3½ feet down in sand colored pink with hematite, with human remains. Mound near Peter's Creek.'' The human remains are extremely fragmentary. No known individual was identified. The one funerary object is one lot of medium sized shell beads and bead fragments, including flat, tubular, and round shell beads. Moore mentions that stamped pottery was dominant at the site, suggesting a St. Johns II period date (A.D. 750 to 1600).

Based on geographical, archeological, oral tradition, and historical lines of evidence, as well as expert opinion, the Miccosukee Tribe of Indians; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma are culturally affiliated with the human remains from Macey Mound, Fernandina-Amelia Island, Unknown Florida Site #1, and the Mound near Peter's Creek.

Determinations Made by the Robert S. Peabody Institute of Archaeology

Officials of the Robert S. Peabody Institute of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,695 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Miccosukee Tribe of Indians; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Ryan Wheeler, Robert S. Peabody Institute of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu,* by September 4, 2019]. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary

objects to the Miccosukee Tribe of Indians; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma may proceed.

The Robert S. Peabody Institute of Archaeology is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: July 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16686 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028453; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York State Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the New York State Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the New York State Museum at the address in this notice by September 4, 2019.

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486–2020, email *lisa.anderson@nysed.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the New York State Museum, Albany, NY, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

In 1898, the New York State Museum acquired five cultural items from members of the Cayuga Nation. The five sacred objects are wooden medicine masks donated by Harriet Maxwell Converse of New York City, NY. Museum records indicate the medicine masks are culturally affiliated with the Cayuga Nation. One of the medicine faces was reportedly made in Canada about 1779 (E–37047). The other four masks have no additional provenience information (E–37027, E–37045, E–37050, E–37603).

Traditional religious leaders of the Cayuga Nation have identified these five medicine faces as being needed for the practice of traditional Native American religions by present-day adherents. Museum documentation, supported by oral evidence presented during consultation with members of the Haudenosaunee Standing Committee on Burial Rules and Regulations, indicates that these medicine faces are culturally affiliated with the Cayuga Nation.

Determinations Made by the New York State Museum

Officials of the New York State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the five cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Cayuga Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230 telephone (518) 486–2020, email *lisa.anderson@nysed.gov,* by September 4, 2019. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the Cayuga Nation may proceed.

The New York State Museum is responsible for notifying the Cayuga Nation; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Indian Nation (previously listed as the Oneida Nation of New York); Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); and the Tuscarora Nation that this notice has been published.

Dated: July 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16678 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028456; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arizona State Museum, University of Arizona, Tucson, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arizona State Museum, University of Arizona has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on September 10, 2014. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arizona State Museum, University of Arizona. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arizona State Museum, University of Arizona at the address in this notice by September 4, 2019.

ADDRESSES: Claire S. Barker, Repatriation Coordinator, Arizona State Museum, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–0320, email *csbarker@email.arizona.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Arizona State Museum, University of Arizona, Tucson, Arizona. The human remains and associated funerary objects were removed from Pima County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (79 FR 53754–53759, September 10, 2014). The number of human remains and associated funerary objects has changed due to a search through uncatalogued collections. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 53757, September 10, 2014), column 1, paragraph 1, sentence 5 is corrected by substituting the following sentence:

The 106 associated funerary objects include 62 animal bones, three bone awls, 16 ceramic sherds, one ceramic vessel, one lot of charcoal, 16 chipped stones, one ground stone, two minerals, three soil samples, and one turquoise fragment.

In the **Federal Register** (79 FR 53757, September 10, 2014), column 1, paragraph 3, sentence 1 is corrected by substituting the following sentence:

In the years 1981 to 1987, human remains representing, at minimum, 57 individuals were removed from the Redtail Village site, AZ AA:12:149(ASM), in Tucson, Pima County, AZ.

In the **Federal Register** (79 FR 53757, September 10, 2014), column 1, paragraph 3, sentence 7 is corrected by substituting the following sentence:

The 965 associated funerary objects are 45 animal bones, two ceramic bowls, two ceramic jars, two ceramic scoops, 730 ceramic sherds, five lots of charcoal, 74 chipped stones, 78 flotation fraction lots, two ground stones, one metate, one mineral, five pollen samples, three shells, two stone projectile points, and 13 turquoise fragments.

In the **Federal Register** (79 FR 53757, September 10, 2014), column 3, paragraph 1, sentence 5 is corrected by substituting the following sentence:

The 142 associated funerary objects are two animal bones, two lots of botanical material, 126 ceramic sherds, one lot of charcoal, and 11 chipped stones.

In the **Federal Register** (79 FR 53758, September 10, 2014), column 1, paragraph 2, sentence 6 is corrected by substituting the following sentence:

The 259 associated funerary objects are six ceramic bowls, three ceramic jars, 17 ceramic jar fragments, 166 ceramic sherds, two lot of charcoal, 27 chipped stones, two chipped stone knives, two flotation fraction lots, 20 flotation samples, one glass fragment, one ground stone, one mano, three minerals, two polishing stones, one shell, one shell bracelet, one soil sample, two stone artifacts, and one stone palette fragment.

In the **Federal Register** (79 FR 53758, September 10, 2014), column 3, paragraph 4, sentence 1 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 626 individuals of Native American ancestry.

In the **Federal Register** (79 FR 53758, September 10, 2014), column 3, paragraph 4, sentence 2 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(3)(A), the 7,419 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Claire S. Barker, Repatriation Coordinator, Arizona State Museum, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–0320, email *csbarker@email.arizona.edu,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico; hereafter referred to as ''The Tribes,'' may proceed.

The Arizona State Museum, University of Arizona is responsible for notifying The Tribes that this notice has been published.

Dated: July 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16687 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028401; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Los Angeles County Museum of Natural History, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Los Angeles County Museum of Natural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Los Angeles County Museum of Natural History. If no additional requestors come forward,

transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Los Angeles County Museum of Natural History at the address in this notice by September 4, 2019.

ADDRESSES: Amy E. Gusick, NAGPRA Officer, Los Angeles County Museum of Natural History, 900 Exposition Boulevard, Los Angeles, CA 90007, telephone (213) 763–3370, email *agusick@nhm.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Los Angeles County Museum of Natural History, Los Angeles, CA. The human remains were removed from the Antelope Valley in northern Los Angeles County and the southeast portion of Kern County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Los Angeles County Museum of Natural History (LACMNH) professional staff in consultation with representatives of the San Manuel Band of Mission Indians, California (previously listed as the San Manual Band of Serrano Mission Indians of the San Manual Reservation) and the Fernandeño Tataviam Band of Mission Indians, a non-federally recognized Indian group. The Morongo Band of Mission Indians, California (previously listed as the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation); Santa Rosa Indian Community of the Santa Rosa Rancheria, California; and the Tejon Indian Tribe were invited to consult but deferred to the San Manuel Band of Mission Indians, California (previously listed as the San Manual Band of Serrano Mission Indians of the San Manual Reservation) and the Fernandeño Tataviam Band of Mission Indians, a non-federally recognized Indian group.

Hereafter, all Indian Tribes and Indian groups listed in this section are referred to as ''The Consulted and Invited Indian Tribes and Groups.''

History and Description of the Remains

Prior to 1947, human remains representing, at minimum, one individual (LACMNH Catalog Number L.2397.66) were removed by Nestor A. Young, Jr. of Sierra Madre, CA, from the Nestor Young Ranch at Barrel Springs, located near Palmdale in Antelope Valley, Los Angeles County, CA. According to the 2013 book *Legendary Locals of Antelope Valley* by Norma Gurba, Young actively collected artifacts from his large ranch property near Barrel Spring, in Antelope Valley. At the time, the human remains consisted of a cranium and a jar containing cremated human remains. In December 1947, the human remains were sold to the Laboratory of Anthropology Hancock Foundation (a now disbanded museum once part of the University of Southern California) and recorded in its logbook with the designation CH: 1 1/70. On February 1, 1966, the Laboratory of Anthropology Hancock Foundation anthropology collection was loaned to LACMNH. On March 29, 1983, the collection was transferred as a gift to LACMNH. In 1995, LACMNH staff conducted an inventory of the human remains in the museum's collections, and identified a mandible whose designation (CH: 1 1/70) matched the designation in the logbook, thus indicating it came from the Young Ranch in Antelope Valley, CA. The human remains, consisting of one mandible broken into two pieces, belong to an adult 20–25 years old. The rest of the cranium and the jar containing the cremated human remains are not in the LACMNH collection; likely they were not transferred in 1966. No known individuals were identified. No associated funerary objects are present.

Between 1920 and 1979, human remains representing, at minimum, seven individuals were removed from an unknown location in the Antelope Valley, CA. They were accepted into the collections of the Antelope Valley Museum by either H. Arden Edwards, the museum founder, or by Grace W. Oliver, a later owner of the museum. One individual, cataloged as LACMNH Catalog Number F.A.2175.79–127, consist of a cranium representing an adult male 20–25 years old and has the number SK–9 written on the cranium. Notes accompanying the cranium state that the human remains were collected from an undisclosed location in the Antelope Valley. Four individuals, cataloged as LACMNH Catalog Number F.A.2175.79–137, consists of three incomplete crania with teeth, one premolar, and one upper incisor. The three crania represent one possible male age 30–35 years; one possible adult female age 30–40 years; and one individual of unknown sex and age. The premolar and upper incisor represent a fourth adult individual of unknown sex and age. A slip of paper found inside of one of the crania identifies them as SK–8 and notes that the human remains were collected from Antelope Valley at an unidentified location. Two individuals, cataloged as LACMNH Catalog Number F.A.2175.79–174, consist of one nearly complete skeleton of an adult male age 20–25 years, one left humerus, and one right ulna from a second possible adult female. Old exhibit label copy from the Antelope Valley Museum found with the human remains includes the geographic information as Antelope Valley, Indian Meadow, near Little Rock, CA.

In 1979, Grace W. Oliver transferred items by deed of gift from the Antelope Valley Museum to LACMNH. A list of items transferred includes the SK–9 and SK–8 numbers, but does not contain any information about the human remains from Little Rock. In 1979, the State of California purchased the Antelope Valley Museum property from Oliver, who donated the collections held by the museum to the State of California. On December 3, 1979, the SK–9, SK–8, and Little Rock remains were transferred to LACMNH as part of accession F.A.2175.79. The SK–9 cranium was accessioned as F.A.2175.79–127, the humans remains identified as SK–8 were accessioned as F.A.2175.79–137 and the remains from Little Rock were accessioned as F.A.2175.79–174. In 1995, LACNHM conducted an inventory of human remains in its collections and identified the cranium designated as SK–9 in its holdings and the nearly complete male skeleton, one left humerus, and one right ulna recovered from near Little Rock. In 2016, LACMNH reexamined the human remains in the F.A.2175.79 accession number and found a slip of paper inside one of the crania that identified the human remains of the four individuals designated SK–8 by the Antelope Valley Museum. No known individuals were identified. No associated funerary objects are present.

Bounded by the Tehachapi and Sierra Nevada mountains on the west and the San Gabriel and San Bernardino Mountains on the south, Antelope

Valley constitutes the western Mojave Desert. Archaeological and ethnographic evidence suggests that this region was inhabited by Serran speakers of the Takic family of languages. More specifically, based on John P. Harrington's notes and mission records, the desert group occupying the Antelope Valley were speakers of the Serrano language. Inclusive of a few groups, the region was within the traditional territory of the Desert Serrano (referred to by some early Spanish explorers—and later ethnographers referencing their diaries—as the ''Vanyume'' or ''Beneme''). Serrano peoples' oral traditions place them in this portion of their ancestral territory since time immemorial. Archaeologists have traditionally suggested that Serrano speakers have continuously occupied the San Bernardino Mountains and the areas north, northwest, and west of the San Bernardino Mountains for at least 3,000 years, but newer studies have lengthened their occupancy up to 5,000–6,000 years B.P.

The Tataviam, a desert group that spoke a language distinct from Serrano, are also tied to the land in the southwestern portion of the Antelope Valley, including the northern foothills of the Liebre Mountains. The Tataviam language is derived from the Takic languages of the Uto-Aztecan linguistic stock, and is associated with villages that held Serrano and Kitanemuk speakers.

There are mapped native settlements in the Antelope Valley which are known to have been inhabited by Tataviam, Serrano, and/or Kitanemuk- speaking peoples—sometimes separately and sometimes simultaneously. Such places in the Antelope Valley area, include but are not limited to, Amutskupiat/*Amutskupeat,* or Big Rock, and Maviayek/*Maviajeh',* or Little Rock Creek. Some of the occupants of these villages were recruited to Mission San Fernando and Mission San Gabriel, but it also appears that some people successfully avoided missionization. The cultural affiliation of both Serrano and Tataviam includes the well-documented Lovejoy Springs site (CA–LAN–942), also known as the village of *Tameobit/Tameonga.*

Determinations Made by the Los Angeles County Museum of Natural History

Officials of the Los Angeles County Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the San Manuel Band of Mission Indians, California (previously listed as the San Manual Band of Serrano Mission Indians of the San Manual Reservation), and, if joined, the Fernandeño Tataviam Band of Mission Indians, a non-federally recognized Indian group.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Amy Gusick, Los Angeles County Museum of Natural History, 900 Exposition Boulevard, Los Angeles, CA 90007, telephone (213) 763–3370, email *agusick@nhm.org,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to the San Manuel Band of Mission Indians, California (previously listed as the San Manual Band of Serrano Mission Indians of the San Manual Reservation) and the Fernandeño Tataviam Band of Mission Indians (if joined to San Manuel Band of Mission Indians, California) may proceed.

The Los Angeles County Museum of Natural History is responsible for notifying The Consulted and Invited Indian Tribes and Groups that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16683 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028406; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Federally-recognized Indian Tribes, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Federally-recognized Indian Tribes. Representatives of any Federally-recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Federally-recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Federally-recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by September 4, 2019.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN, and stored at the Alabama Museum of Natural History (AMNH) at the University of Alabama. The human remains and associated funerary objects were removed from the following archeological sites in Lauderdale County, AL: 1LU21, 1LU92, 1LU64, 1LU67, and 1LU72.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-

Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

The sites listed in this notice were excavated as part of TVA's Pickwick reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration. Details regarding these excavations and sites may be found in *An Archaeological Survey of Pickwick Basin in the Adjacent Portions of the States of Alabama, Mississippi and Tennessee,* by William S. Webb and David L. DeJarnette. The human remains and associated funerary objects listed in this notice have been in the physical custody of AMNH at the University of Alabama since excavation but are under the control of the TVA. Human remains and other associated funerary objects from these sites were previously listed in a Notice of Inventory Completion (81 FR 60377–60380, September 1, 2016) and transferred to The Chickasaw Nation. Additional human remains and associated funerary objects were found during a recent improvement in the curation of the TVA archeological collections at AMNH.

From August 1937 to April 1938, human remains representing, at minimum, 28 individuals were removed from site 1LU21, in Lauderdale County, AL. Excavation commenced after TVA had acquired the land encompassing this site on February 19, 1937. Excavations focused on the earthen mound at this site. The mound was constructed in four stages, and supported at least four superimposed structures and two peripheral single post structures. The adjacent village was not part of these excavations. The primary occupation of this mound was during the Kogers Island phase of the Mississippian period (A.D. 1200–1500). These human remains represent four infants and 24 adults. The human remains were too fragmentary to identify sex. No known individuals were identified. No associated funerary objects are present.

From October 1937 to December 1938, human remains representing, at minimum, nine individuals were removed from site 1LU92, Lauderdale County, AL. Excavation commenced after TVA purchased this land November 27, 1935 for the Pickwick project. Site 1LU92 was composed of both a village and a cemetery. Excavations focused on the cemetery. There was no clear stratigraphy at the site. The excavators believed the village midden predates the cemetery. The later occupation is attributed to the Kogers Island phase of the Mississippian period (A.D. 1200–1500). The human remains include two adults and seven sub-adults. The sex could not be determined. No known individuals were identified. The 121 associated funerary objects are 114 shell beads, one bone awl, and six McKee Island Plain sherds.

From February to May 1937, and from February to March 1938, excavations took place at site 1LU64, 23 miles downstream from Florence, AL, on the Tennessee River in Lauderdale County, AL. TVA purchased the land encompassing site 1LU64 on October 28, 1936. Site 1LU64 was a Copena phase (A.D. 100–500) burial mound. The four associated funerary objects are two copper celts and two copper earspools.

From June to September 1936, excavations took place at the Long Branch site 1LU67, in Lauderdale County, AL. Excavation commenced after TVA purchased three parcels of land encompassing this site on January 11, 1935, September 16, 1935, and February 8, 1936. Site 1LU67 was located immediately adjacent to the Tennessee River. Although described as a mound, this site appears to have been from the accumulation of discarded shell, village midden, and alluvial soils rather than an intentionally constructed earthwork. This shell midden extended to a depth of 11 feet below surface. The Long Branch site had multiple occupations, including during the Middle Archaic (6000–4000 B.C.), Late Archaic (4000–1000 B.C.), Early Woodland (500–100 B.C.), Middle Woodland (100 B.C.–A.D. 500), Late Woodland (A.D. 500–1000) and Mississippian (A.D. 900–1500). It is not possible to determine from which level of occupation a burial unit originated. The two associated funerary objects are a bone atlatl hook and a stone atlatl weight.

From January to February 1938, excavations took place at the Union Hollow site 1LU72, in Lauderdale County, AL. Excavation commenced after TVA purchased the land encompassing this site in Lauderdale County, AL, on October 5, 1936 for the Pickwick Reservoir project. Site 1LU72 was located immediately adjacent to the Tennessee River. This shell mound was created from the accumulation of discarded shell, village midden, and alluvial soils rather than intentionally constructed earthworks. This shell midden extended to a depth of 10 feet below surface. Early flooding of the Pickwick reservoir abbreviated excavations at this site. The Union Hollow site had multiple occupations, including during the Late Archaic (4000–1000 B.C.), Early Woodland (500–100 B.C.), and Mississippian (A.D. 1200–1500). The one associated funerary object is a Bell Plain ceramic water bottle.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological sites and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 37 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 128 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the Court of Federal Claims, the land from which the cultural items were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816, indicates that the land from which the cultural items were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the cultural items may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains. The Tennessee Valley

Authority has agreed to transfer control of the human remains to The Chickasaw Nation.

• Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Federally-recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16690 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028402; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by September 4, 2019.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains and associated funerary object were removed from Purdy Mound at Bob Creek, Lane County, OR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; Confederated Tribes of the Grand Ronde Community of Oregon; and the Coquille Indian Tribe (previously listed as the Coquille Tribe of Oregon), hereafter referred to as ''The Consulted Tribes.''

History and Description of the Remains

In 1950, human remains representing, at minimum, one individual were removed from Purdy Mound at Bob Creek in Lane County, OR. The human remains were removed by a private party and were donated to the museum in 1950 (acc. # 100LC). They belong to an adult male (cat. # 11–262). No known individuals were identified. The two associated funerary objects are one partial bone club and fragments of one elk maxillary.

The human remains are reasonably believed to be of Native American ancestry based on their archeological context. Historical documents, ethnographic sources, and oral history indicate that the Bob Creek site lies near the territorial boundary between the Alsea and the Siuslaw peoples. Both cultural groups have occupied the region since pre-contact times. Based on information obtained through consultation, the human remains are identified as Alsea. The Alsea are members or the Confederated Tribes of Siletz Indians of Oregon.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224

University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16679 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028458; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Arizona State Museum, University of Arizona, Tucson, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arizona State Museum, University of Arizona has corrected an inventory of unassociated funerary objects, published in a Notice of Intent to Repatriate Cultural Items in the **Federal Register** on September 10, 2014. This notice corrects the number of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Arizona State Museum, University of Arizona. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Arizona State Museum, University of Arizona at the address in this notice by September 4, 2019.

ADDRESSES: Claire S. Barker, Repatriation Coordinator, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–0320, email *csbarker@email.arizona.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Arizona State Museum, University of Arizona, Tucson, AZ, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of unassociated funerary objects published in a Notice of Intent to Repatriate Cultural Items in the **Federal Register** (79 FR 53775–53777, September 10, 2014). The number of unassociated funerary objects increased due to a search through uncatalogued object collections. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 53776, September 10, 2014), column 1, paragraph 3, sentence 1 is corrected by substituting the following sentence:

In the years 1981 to 1987, 66 cultural items were removed from the Redtail Village site, AZ AA:12:149(ASM), in Tucson, Pima County, AZ.

In the **Federal Register** (79 FR 53776, September 10, 2014), column 1, paragraph 3, sentence 6 is corrected by substituting the following sentence:

The 66 unassociated funerary objects are 18 animal bones, 42 ceramic sherds, five chipped stones, and one ground stone.

In the **Federal Register** (79 FR 53777, September 10, 2014), column 1, paragraph 1, sentence 1 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(3)(B), the 2,081 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Claire S. Barker, Repatriation Coordinator, P.O. Box 210026, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 626–0320, email *csbarker@email.arizona.edu,* by September 4, 2019. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico; hereafter referred to as ''The Tribes,'' may proceed.

The Arizona State Museum, University of Arizona is responsible for notifying the Tribes that this notice has been published.

Dated: July 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16689 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028403; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice

that wish to request transfer of control of these human remains should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by September 4, 2019.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains were removed from Klickitat County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation.

History and Description of the Remains

Sometime in 1932, human remains representing, at minimum, one individual were removed from an area three miles northwest of Spedis, on a flat above the Columbia River in Klickitat County, WA. The human remains were removed by a private individual, and in 1933, they were transferred to the museum (accession #17). The human remains belong to an adult of indeterminate sex (catalog #11–9). No known individuals were identified. No associated funerary objects are present.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes and Bands of the Yakama Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Confederated Tribes and Bands of the Yakama Nation may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying the Confederated Tribes and Bands of the Yakama Nation that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16680 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028404; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nevada State Museum, Carson City completed an inventory of human remains, in consultation with the appropriate Indian Tribe or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Nevada State Museum, Carson City. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of their request to the Nevada State Museum, Carson City at the address in this notice by September 4, 2019.

ADDRESSES: Anna J. Camp, Nevada State Museum, 600 North Carson Street, Carson City, NV 89701, telephone (775) 687–4810 Ext. 261, email *acamp@nevadaculture.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of completion of an inventory of human remains under the control of the Nevada State Museum, Carson City, NV. The human remains were removed from the area of Mud Lake Creek, Douglas County, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Nevada State Museum professional staff in consultation with representatives of the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches).

History and Description of the Remains

On November 11, 1996, human remains representing, at minimum, two individuals, were removed from an

eroding bank of Mud Lake Creek in Douglas County, NV. The human remains—several rib fragments—were collected by an anonymous private citizen and brought to the Nevada State Museum. They were later discovered in the collections at the Nevada State Museum and rehoused. A note in the file suggests these human remains were found close to an archeological site (26Do524), which contained burials of two adolescent individuals. The excavation of the associated site located nearby was done in conjunction with the Douglas County Sheriff's Department, the Washoe Tribe of Nevada & California, and the Nevada State Museum. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Nevada State Museum

Officials of the Nevada State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), human remains described in this notice are Native American based on the age of 1620±50 ^{14}C B.P. (radiocarbon years before present), and 1490±50 ^{14}C B.P. The location of the site was also in close proximity to an excavated Native American burial site.
- Pursuant to 25 U.S.C. 3001(9), human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which these Native American human remains were removed is the aboriginal land of the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches).
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches).

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of their request to Anna Camp, Nevada State Museum, 600 North Carson Street, NV 89701, telephone (775) 687–4810 Ext. 261, email *acamp@nevadaculture.org,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches) may proceed.

The Nevada State Museum is responsible for notifying the Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches) that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16681 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028407; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of associated funerary objects in consultation with the appropriate Federally-recognized Indian Tribe, and has determined that there is no cultural affiliation between the associated funerary objects and any present-day Federally-recognized Indian Tribe. Representatives of any Federally-recognized Indian Tribe not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Federally-recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by September 4, 2019.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN. The associated funerary objects were removed from the following archeological sites in Madison and Lawrence County, AL: 1MA48 and 1LA13.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by TVA professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

The sites listed in this notice were excavated as part of TVA's Wheeler reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration. Details

regarding this site may be found in *The Flint River Site, MA48,* by William S. Webb and David L. DeJarnette and *An Archaeological Survey of Wheeler Basin on the Tennessee River in Northern Alabama,* by William S. Webb. The associated funerary objects listed in this notice have been in the physical custody of the AMNH at the University of Alabama since excavation but are under the control of TVA. The human remains and other associated funerary objects were previously listed in a Notice of Inventory Completion (81 FR 60380–60381, September 1, 2016) and transferred to The Chickasaw Nation. Additional funerary objects were found during a recent improvement in the curation of the TVA archeological collections at AMNH.

From June to December 1938, excavations took place at the Flint River site, 1MA48, in Madison County, AL. Excavation commenced after TVA had acquired the two parcels of land encompassing site 1MA48 on November 11, 1935 and July 3, 1936. Excavations revealed multiple occupations, including the Late Archaic (4000–1000 B.C.) period, Colbert (300 B.C.–A.D. 100), Flint River (A.D. 500–1000), and the early Mississippian Langston phase (A.D. 900–1200). The one associated funerary object is a sandstone bowl.

From May to June 1934, excavations took place at site 1LA13 in Lawrence County, AL. Excavation commenced after TVA purchased this land February 14, 1934. Site 1LA13 was one of the first sites excavated on TVA land in north Alabama. Information about the excavations is not abundant. Excavations revealed this site to be a burial mound. All the burials were considered inclusive to the mound, not intruded into it at a later date. An examination of the funerary objects excavated at this site indicates that this mound was created during the Hobbs Island phase of the Mississippian period (A.D. 1200–1500). The one associated funerary object is a Mississippian Plain bowl.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the Court of Federal Claims, the land from which the cultural items were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816, indicates that the land from which the cultural items were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the cultural items may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects associated to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Federally-recognized Indian Tribe not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by September 4, 2019. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 9, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–16691 Filed 8–2–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04093000, XXXR4081G3, RX.05940913.FY19400]

Public Meeting of the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Glen Canyon Dam Adaptive Management Work Group (AMWG) will take place.

DATES: The meeting will be held on Wednesday, August 21, 2019, from 9:30 a.m. to approximately 5:00 p.m., and Thursday, August 22, 2019, from 8:30 a.m. to approximately 3:00 p.m.

ADDRESSES: The meeting will be held at the Little America Hotel, 2515 E Butler Avenue, Flagstaff, Arizona 86004.

FOR FURTHER INFORMATION CONTACT: Lee Traynham, Bureau of Reclamation, telephone (801) 524–3752; email at *ltraynham@usbr.gov;* facsimile (801) 524–5499.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The Glen Canyon Dam Adaptive Management Program (GCDAMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act.

Agenda: The AMWG will meet to receive updates on: (1) Current basin hydrology and water year 2019 operations; (2) non-native fish issues; (3) joint tribal liaison report; and (4) science results from Grand Canyon Monitoring and Research Center staff. The AMWG will also discuss the FY 2020 Budget and Work Plan and other

administrative and resource issues pertaining to the GCDAMP. To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's website at *https://www.usbr.gov/uc/progact/amp/amwg.html.*

Meeting Accessibility/Special Accommodations: The meeting is open to the public and seating is on a first-come basis. Members of the public wishing to attend the meeting or wanting to receive call-in information or a link to the live stream webcast should contact Lee Traynham, Bureau of Reclamation, Upper Colorado Regional Office, by email at *ltraynham@usbr.gov,* or by telephone at (801) 524–3752, to register no later than five (5) business days prior to the meeting. Individuals requiring special accommodations to access the public meeting should contact Ms. Traynham at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the AMWG members, written notice must be provided to Lee Traynham, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 8100, Salt Lake City, Utah 84138; email at *ltraynham@usbr.gov;* or facsimile (801) 524–5499, at least five (5) business days prior to the meeting. Any written comments received will be provided to the AMWG members.

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.

Daniel Picard,

Deputy Regional Director, Upper Colorado Regional Office.

[FR Doc. 2019–16676 Filed 8–2–19; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–614 and 731–TA–1431 (Final)]

Magnesium From Israel; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–614 and 731–TA–1431 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of magnesium from Israel, provided for in subheading 8104.11.00, 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized and sold at less-than-fair-value.

DATES: July 9, 2019.

FOR FURTHER INFORMATION CONTACT: Julie Duffy ((202) 708–2579) and Andres Andrade ((202)205–2078), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.— For purposes of these investigations, Commerce has defined the subject merchandise as ''primary and secondary pure and alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size (including, without limitation, magnesium cast into ingots, slabs, t-bars, rounds, sows, billets, and other shapes, and magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and any other shapes).[1] For a full presentation of Commerce's scope see 84 FR 32712, July 9, 2019.

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Israel of magnesium, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on October 24, 2018, by US Magnesium LLC, Salt Lake City, Utah.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these

[1] Magnesium is a metal or alloy containing at least 50 percent by actual weight the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by these investigations also includes blends of primary magnesium, scrap, and secondary magnesium.

investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on November 4, 2019, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Thursday, November 21, 2019, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 14, 2019. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on November 19, 2019, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is November 13, 2019. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 2, 2019. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before November 27, 2019. On December 12, 2019, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 16, 2019, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: July 30, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–16618 Filed 8–2–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–453 and 731–TA–1136–1137 (Second Review)]

Sodium Nitrite From China and Germany

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping and countervailing duty orders on sodium nitrite from China and the antidumping duty order on sodium nitrite from Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on January 2, 2019 (84 FR 6) and determined on April 12, 2019 that it would conduct expedited reviews (84 FR 25828, June 4, 2019).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on July 31, 2019. The views of the Commission are contained in USITC Publication 4936 (July 2019), entitled *Sodium Nitrite from China and Germany: Investigation Nos. 701–TA–453 and 731–TA–1136–1137 (Second Review).*

By order of the Commission.

Issued: July 31, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–16666 Filed 8–2–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0235]

Agency Information Collection Activities Proposed eCollection eComments Requested; Extension, Without Change, of a Currently Approved Collection: Bulletproof Vest Partnership (BVP)

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 30-Day notice.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance, is 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: The Department of Justice encourages public comment and will accept input until September 4, 2019.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Joseph Husted, Program Advisor, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW, Washington, DC 20531 by email at *Joseph.Husted@usdoj.gov* or 202–616–6500. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Assistance, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension, without change, of a currently approved collection.

(2) *The Title of the Form/Collection:* Bulletproof Vest Program Application.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. The program application can be found at the Bureau of Justice Assistance, United States Department of Justice's website at *https://grants.ojp.usdoj.gov/bvp/login/externalAccess.jsp.*

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Jurisdictions and law enforcement agencies with armor vest needs.

(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 no more than 4,500 respondents will apply each year. Each application takes approximately 1 hour to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 4,500 hours.

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 31, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–16627 Filed 8–2–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0321]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office of Justice Programs, National Institute of Justice, is 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: The Department of Justice encourages public comment and will accept input until October 4, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mark Greene, Technology and Standards Division Director, National Institute of Justice, 810 7th Street NW, Washington, DC 20531, *mark.greene2@usdoj.gov,* 202–307–3384.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Institute of Justice, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a Currently Approved Collection.

2. *The Title of the Form/Collection:* National Institute of Justice Compliance Testing Program (NIJ CTP). This collection consists of eight forms: NIJ CTP Applicant Agreement; NIJ CTP Authorized Representatives Notification; NIJ CTP Electronic Signature Agreement; NIJ CTP Body Armor Build Sheet; NIJ CTP Body Armor Agreement; NIJ CTP Manufacturing Location Notification; NIJ CTP Multiple Listee Notification; NIJ Approved Laboratory Application and Agreement.

3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: There is no agency form number for this collection. The applicable component within the Department of Justice is the National Institute of Justice, Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Applicants to the NIJ Compliance Testing Program and Testing Laboratories, which are businesses or other for-profit organizations. The purpose of the voluntary NIJ Compliance Testing Program is to provide confidence that equipment used for law enforcement and corrections applications meets minimum published performance requirements. One type of equipment is ballistic body armor. Ballistic body armor models that are determined to meet minimum requirements by NIJ and listed on the NIJ Compliant Products List are eligible for reimbursement through the Ballistic Vest Partnership.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* As of December 31, 2018, approximately 1,250 unique ballistic armor models have been submitted to the NIJ CTP by approximately 300 companies for compliance testing since OMB Number 1121–0321 was issued in 2009. Approximately one third of the companies that submitted armor are not based in the U.S., however only U.S. companies will be considered for the purpose of estimating the burden on the public. Therefore, a total of 200 responses is estimated for the following three forms over several years:

NIJ CTP Applicant Agreement: Estimated 100 responses at 15 minutes every year (and 50 responses per year after that);

NIJ CTP Authorized Representatives Notification: Estimated 100 responses at 15 minutes every year (and 50 responses per year after that);

NIJ CTP Electronic Signature Agreement: Estimated 100 responses at 15 minutes every year (and 50 responses per year after that).

Each time a new armor model is submitted to the NIJ CTP for testing, the following four forms must be completed. Respondents may submit as many armor models as they choose to the NIJ CTP and are therefore not limited to only one response. The number of overall submissions over the past decade roughly translates to 125 unique ballistic armor models tested per year. A fraction of those armors are submitted by companies not based in the U.S., however only U.S. companies will be considered for the purpose of estimating the burden on the public. Therefore, a total of 100 responses is estimated for the following four forms per year:

NIJ CTP Body Armor Agreement: Estimated 100 responses at 15 minutes every year;

NIJ CTP Body Armor Build Sheet: Estimated 100 responses at 2 hours every year;

NIJ CTP Manufacturing Location Notification: Estimated 100 responses at 15 minutes each every year;

NIJ CTP Listee Notification: Estimated 100 responses at 15 minutes every year; Testing laboratories provide responses to the laboratory agreement form and are therefore considered respondents in this case. There are currently four laboratories that participate in the NIJ CTP. Laboratories renew their status with the NIJ CTP roughly every two years.

NIJ Approved Laboratory Application and Agreement: Estimated 4 responses at 8 hours every two years, or a total of 16 hours on average per year.

6. *An estimate of the total public burden (in hours) associated with the collection:* 366 hours the first year and 328.5 hours per year in subsequent years.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 30, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–16596 Filed 8–2–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Advisory Council on Employee Welfare and Pension Benefit Plans; Nominations for Vacancies

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an Advisory Council on Employee Welfare and Pension Benefit Plans (the Council), consisting of 15 members appointed by the Secretary of Labor (the Secretary) as follows:

- Three representatives of employee organizations (at least one of whom shall be a representative of an organization whose members are participants in a multiemployer plan);
- three representatives of employers (at least one of whom shall be a representative of employers maintaining or contributing to multiemployer plans);
- one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting; and
- three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan).

No more than eight members of the Council shall be members of the same political party.

Council members must be qualified to appraise the programs instituted under ERISA. Appointments are for three-year terms. The Council's prescribed duties are to advise the Secretary with respect to carrying out his functions under ERISA, and to submit to the Secretary, or his designee, related recommendations. The Council will meet at least four times each year.

The terms of five Council members expire at the end of this year. The groups or fields they represent are as follows:

(1) Employee organizations;
(2) employers;
(3) accounting;
(4) insurance; and
(5) the general public.

The Department of Labor is committed to equal opportunity in the workplace and seeks a broad-based and diverse Council.

If you or your organization wants to nominate one or more people for appointment to the Council to represent one of the groups or fields specified above, submit nominations to Larry Good, Council Executive Secretary, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Ave. NW, Suite N–5623, Washington, DC 20210, or as email attachments to *good.larry@dol.gov.* Nominations must be received on or before September 19, 2019. Please allow three weeks for regular mail delivery to the Department of Labor. If sending electronically, please use an attachment in rich text, Word, or pdf format. Nominations may be in the form of a letter, resolution or petition, signed by the person making the nomination or, in the case of a nomination by an organization, by an authorized representative of the organization. The Department encourages you to include additional supporting letters of nomination. It will not consider self-nominees who have no supporting letters.

Nominations, including supporting letters, should:

- State the person's qualifications to serve on the Council (including any particular specialized knowledge or experience relevant to the nominee's proposed Council position);
- state that the candidate will accept appointment to the Council if offered;
- include which of the five positions (representing groups or fields) you are nominating the candidate to fill;
- include the nominee's full name, work affiliation, mailing address, phone number, and email address;
- include the nominator's full name, mailing address, phone number, and email address;
- include the nominator's signature, whether sent by email or otherwise.

Please do not include any information that you do not want publicly disclosed.

The Department will contact nominees for information on their political affiliation and their status as registered lobbyists. Anyone currently subject to federal registration requirements as a lobbyist is not eligible for appointment. Nominees should be aware of the time commitment for attending meetings and actively participating in the work of the Council. Historically, this has meant a commitment of at least 20 days per year. The Department of Labor has a process for vetting nominees under consideration for appointment.

Signed at Washington, DC, this 26th day of July, 2019.

Preston Rutledge,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2019–16637 Filed 8–2–19; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Information Collections: The Family and Medical Leave Act of 1993, As Amended

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed revision of the information collection request (ICR) titled, ''The Family and Medical Leave Act of 1993, As Amended.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice. You may also review the proposed forms changes at: *https://www.dol.gov/whd/fmla/forms2019.htm.*

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before October 4, 2019.

ADDRESSES: You may submit comments identified by Control Number 1235–0003, by either one of the following methods: *Email: WHDPRAComments@dol.gov*; *Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2601, requires private sector employers who employ 50 or more employees, all public and private elementary schools, and all public agencies to provide up to 12 weeks of unpaid, job-protected leave during any 12-month period to eligible employees for certain family and medical reasons (for birth of a son or daughter and to care for the newborn child; for placement with the employee of a son or daughter for adoption or foster care; to care for the employee's spouse, son, daughter, or parent with a serious health condition; because of a serious health condition that makes the employee unable to perform the functions of the employee's job; and to address qualifying exigencies arising out of the deployment of the employee's spouse, son, daughter, or parent to covered active duty in the military), and up to 26 weeks of unpaid, job protected leave during a single 12-month period to care for a covered servicemember with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee.

The Wage Hour Division (WHD) created optional use forms: WHD Publication 1420, WH–380–E, WH–380–F, WH–381, WH–382, WH–384, WH–385, and WH–385–V to assist employers and employees in meeting their FMLA third-party notification obligations. WHD Publication 1420 allows employers to satisfy the general notice requirement. *See* § 825.300(a). Form WH–380–E allows an employee requesting FMLA leave for his or her own serious health condition to satisfy the statutory requirement to furnish, upon the employer's request, appropriate certification (including a second or third opinion and recertification) to support the need for leave for the employee's own serious health condition. *See* § 825.305(a). Form WH–380–F allows an employee requesting FMLA leave for a family member's serious health condition to satisfy the statutory requirement to furnish, upon the employer's request, appropriate certification (including a second or third opinion and recertification) to support the need for leave for the family member's serious health condition. *See* § 825.305(a). Form WH–381 allows an employer to satisfy the regulatory requirement to provide employees taking FMLA leave with written notice detailing specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. See § 825.300(b) and (c). Form WH–382 allows an employer to meet its obligation to designate leave as

FMLA-qualifying. *See* § 825.301(a). Form WH–384 allows an employee requesting FMLA leave based on a qualifying exigency to satisfy the statutory requirement to furnish, upon the employer's request, appropriate certification to support leave for a qualifying exigency. *See* § 825.309. Form WH–385 allows an employee requesting FMLA leave based on an active duty covered servicemember's serious injury or illness to satisfy the statutory requirement to furnish, upon the employer's request, a medical certification from an authorized health care provider. *See* § 825.310. Form WH–385–V allows an employee requesting leave based on a veteran's serious injury or illness to satisfy the statutory requirement to furnish, upon the employer's request, a medical certification from an authorized health care provider. *See* § 825.310.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

• 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;

• Enhance the quality, utility, and clarity of the information to be collected;

• 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;

• 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 submissions of responses.

III. *Current Actions:* The Department of Labor seeks an approval for the revision of this information collection in order to ensure effective administration of the Family and Medical Leave Act of 1993, As Amended.

Type of Review: Revision.

Agency: Wage and Hour Division.

Title: The Family and Medical Leave Act of 1993, As Amended.

OMB Control Number: 1235–0003.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, State, Local, or Tribal Government.

Total Respondents: 6,888,800.

Total Annual Responses: 79,357,763.

Estimated Total Burden Hours: 8,307,116.

Estimated Time per Response: Varies with type of request (1.25–20 minutes):

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operation/maintenance): $218,144,866.

Dated: July 30, 2019.

Robert M. Waterman,

Division of Regulations, Legislation and Interpretation.

[FR Doc. 2019–16636 Filed 8–2–19; 8:45 am]

BILLING CODE 4510–27–P

OFFICE OF MANAGEMENT AND BUDGET

Senior Executive Service Performance Review Board Membership

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: The Office of Management and Budget (OMB) publishes the names of the members selected to serve on its Senior Executive Service (SES) Performance Review Board (PRB). This notice supersedes all previous notices of the PRB membership.

DATES: Applicable: July 1, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah Whittle Spooner, Assistant Director for Management and Operations, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, 202–395–7402.

SUPPLEMENTARY INFORMATION: Section 4314(c) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more PRBs. The PRB shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on OMB's PRB.

Kelly T. Colyar, Chief, Water and Power Branch

Wesley M. Denton, Senior Advisor for Communications

Jennifer L. Hanson, Chief, Income Maintenance Branch

Kirsten J. Moncada, Chief, Privacy Branch

Robert J. Nassif, Chief, Force Structure and Investment Branch

Sarah Whittle Spooner, Assistant Director for Management and Operations

Sarah Whittle Spooner,

Assistant Director for Management and Operations.

[FR Doc. 2019–16567 Filed 8–2–19; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 4, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Suite 6018, Alexandria, VA 22314, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0004.

Type of Review: Revision of a currently approved collection.

Title: NCUA Call Report and Profile.

Forms: NCUA Form 5300 and 4501A.

Abstract: Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions to make financial reports to the NCUA. Section 741.6 prescribes the method in which federally insured credit unions must submit this information to NCUA. NCUA Form 5300, Call Report, is used

to file quarterly financial and statistical data and NCUA Form 4501A, Credit Union Profile, is used to obtain non-financial data relevant to regulation and supervision such as the names of senior management and volunteer officials, and are reported through NCUA's online portal, Credit Unions Online.

The financial and statistical information is essential to NCUA in carrying out its responsibility for supervising federal credit unions. The information also enables NCUA to monitor all federally insured credit unions with National Credit Union Share Insurance Fund (NCUSIF) insured share accounts.

Reason for Change: Form 4501A, NCUA Profile, is being revised to include two questions to evaluate industry-wide risk exposure related to single- and multi-employer defined benefit plans. This revision will not alter the estimated burden hours per response.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on July 31, 2019.

Dated: July 31, 2019.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2019–16633 Filed 8–2–19; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 5, 12, 19, 26, September 2, 9, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of August 5, 2019

There are no meetings scheduled for the week of August 5, 2019.

Week of August 12, 2019—Tentative

Wednesday, August 14, 2019

9:00 a.m. Hearing on Early Site Permit for the Clinch River Nuclear Site: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting); (Contact: Mallecia Sutton: 301–415–0673)

This hearing will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of August 19, 2019—Tentative

There are no meetings scheduled for the week of August 19, 2019.

Week of August 26, 2019—Tentative

There are no meetings scheduled for the week of August 26, 2019.

Week of September 9, 2019—Tentative

Monday, September 9, 2019

10:00 a.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated at Rockville, Maryland, this 1st day of August, 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–16821 Filed 8–1–19; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–16; NRC–2018–0249]

Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc. North Anna Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc. (collectively, Dominion) on December 17, 2012, and December 2, 2015, for the independent spent fuel storage installation (ISFSI) at North Anna in Louisa, Virginia.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0249 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 *https://www.regulations.gov/* and search for Docket ID NRC–2018–0249. 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 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the availability of documents section.
- *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the North Anna ISFSI. By letter dated December 17, 2012, Dominion submitted an initial DFP for the ISFSI at North Anna for the NRC's review and approval (ADAMS Accession No. ML13002A036). The NRC staff reviewed the initial DFP and issued a request for additional information (RAI) by letter dated July 18, 2013 (ADAMS Accession No. ML13200A025). Dominion responded to the NRC's RAI on September 30, 2013 (ADAMS Accession No. ML13283A085). By letter dated December 2, 2015, Dominion submitted an updated DFP (ADAMS Accession No. ML15342A039). The NRC staff has prepared a final EA (ADAMS Accession No. ML19165A113) in support of its review of Dominion's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the North Anna ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The North Anna ISFSI is located in Louisa, Virginia. Dominion is authorized by NRC, under a general license (License No. SFGL–34) and specific license (SNM–2507), to store spent nuclear fuel at the North Anna ISFSI. The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by Dominion on December 17, 2012, and December 2, 2015. Specifically, the NRC must determine whether Dominion's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether Dominion has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of Dominion's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of Dominion financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in Dominion's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Dominion's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of North Anna.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that Dominion will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of Dominion's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of Dominion's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine

whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny Dominion's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying Dominion's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Virginia Department of Emergency Management (State) by letter dated August 17, 2017 (ADAMS Accession No. ML17226A253), and gave the State 30 days to respond. The State did not respond. The NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062). Consequently, the U.S. Fish and Wildlife Service was not consulted on the proposed action.

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of Dominion's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS accession No.
December 17, 2012	Submission of Dominion decommissioning funding plan	ML13002A036
December 2, 2015	Submission of Dominion triennial decommissioning funding plan	ML15342A039
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062
August 17, 2017	Letter to J. Stern re: Review of the Draft Environmental Assessment and Finding of No Significant Impact for the North Anna Power Station Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML17226A253
June 14, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19165A113

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16672 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–14; NRC–2018–0260]

FirstEnergy Nuclear Operating Company; Davis-Besse Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by FirstEnergy Nuclear Operating Company (FENOC) on December 17, 2012, and December 9, 2015, for the independent spent fuel storage installation (ISFSI) at Davis-Besse in Oak Harbor, Ohio.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0260 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 *https://www.regulations.gov* and search for Docket ID NRC–2018–0260. 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 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR)

reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the *Availability of Documents* section.

• *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Davis-Besse ISFSI. FENOC submitted an initial DFP and an updated DFP for NRC review and approval by letters dated December 17, 2012 (ADAMS Accession No. ML12352A194), and December 9, 2015 (ADAMS Accession No. ML15343A350), respectively. The NRC staff has prepared a final EA (ADAMS Accession No. ML19162A009) in support of its review of FENOC's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Davis-Besse ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Davis-Besse ISFSI is located in Oak Harbor, Ohio. FENOC is authorized by the NRC, under License No. SFGL–04 to store spent nuclear fuel at the Davis-Besse ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by FENOC on December 17, 2012, and December 9, 2015. Specifically, the NRC must determine whether FENOC's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether FENOC has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of FENOC's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of FENOC financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in FENOC's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of FENOC's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Davis-Besse.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that FENOC will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of FENOC's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of FENOC's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of FENOC's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the

proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of FENOC's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny FENOC's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying FENOC's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Ohio Emergency Management Agency, Department of Public Safety (State) by letter dated July 15, 2016 (ADAMS Accession No. ML17139C017), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated July 15, 2016 (ADAMS Accession No. ML16197A381). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of FENOC's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS accession No.
December 17, 2012	Submission of FENOC decommissioning funding plan	ML12352A194
December 9, 2015	Submission of FENOC triennial decommissioning funding plan	ML15343A350
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062
July 15, 2016	Consultation Letter: ML16197A415–RLSO	ML17139C017
July 15, 2016	Letter to A. Shull re: U.S. Nuclear Regulatory Commission Preliminary Determination of No Effects Regarding the Davis-Besse Nuclear Power Station, Unit No. 1 Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML16197A381
June 9, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19162A009

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16669 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–69; NRC–2018–0250]

FirstEnergy Nuclear Operating Company; Perry Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by FirstEnergy Nuclear Operating Company (FENOC) on December 17, 2012, and December 9, 2015, for the independent spent fuel storage installation (ISFSI) at Perry in Perry, Ohio.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0250 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 *https://www.regulations.gov* and search for Docket ID NRC–2018–0250. 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 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR)

reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the *availability of documents* section.

- *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Perry ISFSI. FENOC submitted an initial DFP and an updated DFP for NRC review and approval by letters dated December 17, 2012 (ADAMS Accession No. ML12352A194), and December 9, 2015 (ADAMS Accession No. ML15343A350), respectively. The NRC staff has prepared a final EA (ADAMS Accession No. ML19162A009) in support of its review of FENOC's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Perry ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Perry ISFSI is located in Perry, Ohio. FENOC is authorized by the NRC, under License No. SFGL–51 to store spent nuclear fuel at the Perry ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by FENOC on December 17, 2012, and December 9, 2015. Specifically, the NRC must determine whether FENOC's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether FENOC has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of FENOC's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of FENOC financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in FENOC's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of FENOC's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Perry.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that FENOC will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of FENOC's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of FENOC's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of FENOC's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the

proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of FENOC's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny FENOC's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying FENOC's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Ohio Emergency Management Agency, Department of Public Safety (State) by letter dated October 26, 2016 (ADAMS Accession No. ML17142A072), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated October 26, 2016 (ADAMS Accession No. ML16301A368). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of FENOC's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

Date	Document	ADAMS accession No.
December 17, 2012	Submission of FENOC decommissioning funding plan	ML12352A194
December 9, 2015	Submission of FENOC triennial decommissioning funding plan	ML15343A350
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062
October 26, 2016	Consultation Letter: ML16301A233–RLSO	ML17142A072
October 26, 2016	NRC Preliminary Determination of No Effects Regarding Perry Nuclear Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML16301A368
June 9, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19162A009

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16673 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–64; NRC–2018–0254]

Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc.; Kewaunee Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc. (collectively, Dominion) on December 17, 2012, and December 9, 2015, for the independent spent fuel storage installation (ISFSI) at Kewaunee in Kewaunee, Wisconsin.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0254 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 *https://www.regulations.gov* and search for Docket ID NRC–2018–0254. 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 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the availability of documents section.

• *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Kewaunee ISFSI. By letter dated December 17, 2012, Dominion submitted an initial DFP for the ISFSI at Kewaunee for the NRC's review and approval (ADAMS Accession No. ML13002A036). The NRC staff reviewed the initial DFP and issued a request for additional information (RAI) by letter dated July 18, 2013 (ADAMS Accession No. ML13200A025). Dominion responded to the NRC's RAI on September 30, 2013 (ADAMS Accession No. ML13283A085). By letter dated December 9, 2015, the Dominions submitted an updated DFP (ADAMS Accession No. ML15349B005). The NRC staff has prepared a final EA (ADAMS Accession No. ML19165A035) in support of its review of Dominion's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Kewaunee ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Kewaunee ISFSI is located in Kewaunee, Wisconsin. Dominion is authorized by the NRC, under License No. SFGL–40 to store spent nuclear fuel at the Kewaunee ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by Dominion on December 17, 2012, and December 9, 2015. Specifically, the NRC must determine whether Dominion's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether Dominion has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of Dominion's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of Dominion financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in Dominion's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Dominion's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Kewaunee.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that Dominion will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of Dominion's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of Dominion's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of

Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny Dominion's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying Dominion's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Wisconsin Department of Health Services, Division of Public Health, Radiation Protection Section (State) by letter dated September 26, 2016 (ADAMS Accession No. ML17139C542), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated September 26, 2016 (ADAMS Accession No. ML16271A034). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of Dominion's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS accession No.
December 17, 2012	Submission of Dominion decommissioning funding plan	ML13002A036
December 9, 2015	Submission of Dominion triennial decommissioning funding plan	ML15349B005
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re: Sct 7 Consultations for ISFSI DFPs	ML17135A062
September 26, 2016	Consultation Letter: ML16271A014–RLSO	ML17139C542
September 26, 2016	Letter to A. Shull re: U.S. Nuclear Regulatory Commission Preliminary Determination of No Effects Regarding Kewaunee Power Station Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML16271A034
June 14, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19165A035

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16670 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1043; NRC–2018–0284]

FirstEnergy Nuclear Operating Company Beaver Valley Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans (DFP) submitted by FirstEnergy Nuclear Operating Company (FENOC) on December 8, 2014, and December 9, 2015, for the independent spent fuel storage installation (ISFSI) at Beaver Valley Power Station in Shippingport, Pennsylvania.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0284 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 *https://www.regulations.gov/* and search for Docket ID NRC–2018–0248. 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 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 *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the *Availability of Documents* section.
- *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans for the Beaver Valley ISFSI. FENOC submitted an initial DFP and an updated DFP for NRC review and approval by letters dated December 8, 2014 (ADAMS Accession No. ML14342A707), and December 9, 2015 (ADAMS Accession No. ML15343A350), respectively. The NRC staff has prepared a final EA (ADAMS Accession No. ML19161A329) in support of its review of FENOC's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Beaver Valley ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Beaver Valley ISFSI is located in Shippingport, Pennsylvania. FENOC is authorized by the NRC, under License No. SFGL–56 to store spent nuclear fuel at the Beaver Valley ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by FENOC on December 8, 2014, and December 9, 2015. Specifically, the NRC must determine whether FENOC's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether FENOC has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of FENOC's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of FENOC financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in FENOC's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of FENOC's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Beaver Valley Power Station.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that FENOC will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of FENOC's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of

FENOC's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of FENOC's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of FENOC's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny FENOC's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying FENOC's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Pennsylvania Department of Environmental Protection (State) by letter dated July 21, 2017 (ADAMS Accession No. ML17201B256), and gave the State 30 days to respond. The State did not respond. The NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062). Consequently, the NRC did not consult with the U.S. Fish and Wildlife Service on the proposed action.

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of FENOC's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this notice.

Date	Document	ADAMS accession No.
December 8, 2014	Submission of FENOC decommissioning funding plan	ML14342A707.
December 9, 2015	Submission of FENOC triennial decommissioning funding plan	ML15343A350.
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648.
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062.
July 21, 2017	Consultation Letter: ML16197A415–RLSO	ML17201B256.
June 9, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19161A329.

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16668 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–55; NRC–2018–0248]

Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc.; Surry Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc. (collectively, Dominion) on December 17, 2012, and December 2, 2015, for the independent spent fuel storage installation (ISFSI) at Surry in Surry, Virginia.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0248 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 *https://www.regulations.gov/* and search for Docket ID NRC–2018–0248. 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 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the availability Of documents section.
- *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Surry ISFSI. By letter dated December 17, 2012, Dominion submitted an initial DFP for the ISFSI at Surry for the NRC's review and approval (ADAMS Accession No. ML13002A036). The NRC staff reviewed the initial DFP and issued a request for additional information (RAI) by letter dated July 18, 2013 (ADAMS Accession No. ML13200A025). Dominion responded to the NRC's RAI on September 30, 2013 (ADAMS Accession No. ML13283A085). By letter dated December 2, 2015, Dominion submitted an updated DFP (ADAMS Accession No. ML15342A038). The NRC staff has prepared a final EA (ADAMS Accession No. ML19165A116) in support of its review of Dominion's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Surry ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Surry ISFSI is located in Surry, Virginia. Dominion is authorized by the NRC, under a general license (License No. SFGL–32) and specific license (SNM–2501), to store spent nuclear fuel at the Surry ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by Dominion on December 17, 2012, and December 2, 2015. Specifically, the NRC must determine whether Dominion's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether Dominion has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of Dominion's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of Dominion financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in Dominion's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Dominion's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Surry.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that Dominion will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of Dominion's DFPs is a procedural and administrative action that will not result

in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of Dominion's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny Dominion's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying Dominion's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Virginia Department of Emergency Management (State) by letter dated August 17, 2017 (ADAMS Accession No. ML17227A007), and gave the State 30 days to respond. The State did not respond. The NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062). Consequently, the U.S. Fish and Wildlife Service was not consulted on the proposed action.

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of Dominion's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS accession No.
December 17, 2012	Submission of Dominion decommissioning funding plan	ML13002A036
December 2, 2015	Submission of Dominion triennial decommissioning funding plan	ML15342A038
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062
August 17, 2017	Letter to J. Stern re: Review of the Draft Environmental Assessment and Finding of No Significant Impact for the Surry Power Station Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML17227A007
June 14, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19165A116

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16674 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–47; NRC–2018–0252]

Virginia Electric and Power Company, Dominion Energy Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc.; Millstone Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Virginia Electric and Power Company, Dominion Energy

Kewaunee, Inc. and Dominion Nuclear Connecticut, Inc. (collectively, Dominion) on December 17, 2012, and December 2, 2015, for the independent spent fuel storage installation (ISFSI) at Millstone in Waterford, Connecticut.

DATES: The EA and FONSI referenced in this document are available on August 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0252 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 *https://www.regulations.gov/* and search for Docket ID NRC–2018–0252. 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 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the availability of documents section.
- *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: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Millstone ISFSI. By letter dated December 17, 2012, Dominion submitted an initial DFP for the ISFSI at Millstone for the NRC's review and approval (ADAMS Accession No. ML13002A036). The NRC staff reviewed the initial DFP and issued a request for additional information (RAI) by letter dated July 18, 2013 (ADAMS Accession No. ML13200A025). Dominion responded to the NRC's RAI on September 30, 2013 (ADAMS Accession No. ML13283A085). By letter dated December 2, 2015, Dominion submitted an updated DFP (ADAMS Accession No. ML15342A064). The NRC staff has prepared a final EA (ADAMS Accession No. ML19165A120) in support of its review of Dominion's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Millstone ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Millstone ISFSI is located in Waterford, Connecticut. Dominion is authorized by the NRC, under License No. SFGL–22 to store spent nuclear fuel at the Millstone ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by Dominion on December 17, 2012, and December 2, 2015. Specifically, the NRC must determine whether Dominion's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether Dominion has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of Dominion's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of Dominion financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in Dominion's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Dominion's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Millstone.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that Dominion will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of

radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of Dominion's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of Dominion's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of Dominion's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny Dominion's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying Dominion's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Connecticut Department of Energy and Environmental Protection (State) by letter dated September 26, 2016 (ADAMS Accession No. ML17083A021), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated September 26, 2016 (ADAMS Accession No. ML16274A241). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of Dominion's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS accession No.
December 17, 2012	Submission of Dominion decommissioning funding plan	ML13002A036
December 2, 2015	Submission of Dominion triennial decommissioning funding plan	ML15342A064
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062
September 26, 2016	Consultation Letter: ML16271A004–RLSO	ML17083A021
September 26, 2016	Preliminary Determination of No Effects Regarding Milestone Power Station ISFSI Decommissioning Funding Plan (72–47) L24728.	ML16274A241
June 14, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19165A120

Dated at Rockville, Maryland, this 31st day of July, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–16671 Filed 8–2–19; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86512; File No. SR–NASDAQ–2019–048]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 4702 To Establish the ''Midpoint Extended Life Order + Continuous Book'' as a New Order Type

July 30, 2019.

On May 29, 2019, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish the Midpoint Extended Life Order + Continuous Book (''M-ELO+CB'') as a new order type. The proposed rule change was published for comment in the **Federal Register** on June 17, 2019.[3] On July 1, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the proposed rule change as originally filed.[4] The Commission has received no comments on the proposal.

Section 19(b)(2) of the Act [5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is August 1, 2019.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates September 15, 2019, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2019–048), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16613 Filed 8–2–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86511; File No. SR–CboeBZX–2019–067]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of the Innovator-100 Buffer ETF Series and Innovator Russell 2000 Buffer ETF Series, Innovator-100 Power Buffer ETF Series and Innovator Russell 2000 Power Buffer ETF Series, and Innovator-100 Ultra Buffer ETF Series and Innovator Russell 2000 Ultra Buffer ETF Series Under Rule 14.11(i)

July 30, 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 July 18, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes a rule change to list and trade shares of the Innovator-100 Buffer ETF Series and Innovator Russell 2000 Buffer ETF Series; Innovator-100 Power Buffer ETF Series and Innovator Russell 2000 Power Buffer ETF Series; and Innovator-100 Ultra Buffer ETF Series and Innovator Russell 2000 Ultra Buffer ETF Series under the Innovator ETFs Trust under Rule 14.11(i) (''Managed Fund Shares'').

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

The Exchange proposes to list and trade shares (''Shares'') of up to twelve monthly Innovator-100 Buffer ETF Series and Innovator Russell 2000 Buffer ETF Series (collectively, the ''Buffer Funds''); Innovator-100 Power Buffer ETF Series and Innovator Russell 2000 Power Buffer ETF Series (collectively, the ''Power Buffer Funds''); and Innovator-100 Ultra Buffer ETF Series and Innovator Russell 2000 Ultra Buffer ETF Series (collectively, the ''Ultra Buffer Funds'') (each a ''Fund'' and, collectively, the ''Funds'') under Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 86083 (June 11, 2019), 84 FR 28107.

[4] In Amendment No. 1, the Exchange revised the proposal to: (1) Provide additional detail to the description of and statutory basis for the proposed rule change; (2) explain in greater detail the order entry protocols available for M-ELO+CB; (3) specify that any punitive fees or participant requirements determined to be necessary by the Exchange for M-ELO+CB usage would be implemented pursuant to a future proposed rule change; and (4) make technical, clarifying, and conforming changes. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nasdaq-2019-048/srnasdaq2019048-5749583-186789.pdf.*

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the Exchange.[3] Each Fund will be an actively managed ETF.[4] The Exchange submits this proposal in order to allow each Fund to hold listed derivatives in a manner that does not comply with Rule 14.11(i)(4)(C)(iv)(b), as further described below. The Exchange notes that: (i) Each of the Buffer Funds, the Power Buffer Funds, and the Ultra Buffer Funds in this proposal have an investment objective and strategy substantially identical to those in the Original Approval; and (ii) the statements or representations herein regarding the description of the portfolio, reference assets, and indexes, limitations on portfolio holdings or reference assets, and the applicability of Exchange rules are substantively identical to those statements and representations included in the Original Approval, except that the funds in the Original Approval were based on the S&P 500 Index while the Funds herein are based on the Reference Indexes, as defined below.[5]

The Shares will be offered by Innovator ETFs Trust (formerly Academy Funds Trust) (the ''Trust''), which was established as a Delaware statutory trust on October 17, 2007. The Trust is registered with the Commission as an investment company and has filed, for each Fund, a registration statement on Form N–1A (''Registration Statement'') with the Commission on behalf of the Funds.[6] Each Fund intends to qualify each year as a regulated investment company (a ''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.[7] Innovator Capital Management, LLC (the ''Adviser'') is the investment adviser to the Funds and Milliman Financial Risk Management LLC (the ''Sub-Adviser'') is the sub-adviser. Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[8] In addition, Rule 14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable investment company portfolio. Neither the Adviser nor the Sub-Adviser is a registered broker-dealer, and neither the Adviser nor the Sub-Adviser are affiliated with broker-dealers. In addition, Adviser and Sub-Adviser personnel who make decisions regarding a Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's portfolio. In the event that (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. Similarly, to the extent that a Fund is based on a benchmark index, in the event that the index provider of the benchmark index (the ''Index Provider'') becomes registered as a broker-dealer or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The investment objective of the Funds is to provide investors with returns that match those of the Nasdaq-100 Index (the ''Nasdaq-100 Price Index'') or the Russell 2000 Price Index (the ''Russell 2000 Price Index'') (collectively, the ''Reference Indexes'') over a period of approximately one year, while providing a level of protection from losses in the applicable Reference Index.

The Funds are each actively managed funds that employ a ''defined outcome strategy'' that:

(1) For the Buffer Funds, seeks to provide investment returns that match the gains of the applicable Reference Index, up to a maximized annual return (the ''Buffer Cap Level''), while guarding against a decline in the Reference Index of the first 10% (the ''Buffer Strategy'');

(2) for the Power Buffer Funds, seeks to provide investment returns that match the gains of the applicable Reference Index, up to a maximized annual return (the ''Power Buffer Cap Level''), while guarding against a decline in the Reference Index of the first 15% (the ''Power Buffer Strategy''); and

(3) for the Ultra Buffer Funds, seeks to provide investment returns that match the gains of the applicable Reference Index, up to a maximized annual return (the ''Ultra Buffer Cap Level''), while guarding against a decline in the Reference Index of between 5% and 35% (the ''Ultra Buffer Strategy'').

Pursuant to the Strategies, each Fund will invest primarily in exchange-traded options contracts that reference either the Reference Index or ETFs that track the Reference Index. Defined outcome strategies are designed to participate in market gains and losses within pre-determined ranges over a specified period (*i.e.* point to point). These

[3] The Commission originally approved BZX Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018) and subsequently approved generic listing standards for Managed Fund Shares under Rule 14.11(i) in Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR–BATS–2015–100).

[4] For purposes of this filing, the term ''ETF'' means Portfolio Depository Receipts as defined in Rule 14.11(b), Index Fund Shares as defined under Rule 14.11(c), Managed Fund Shares as defined under Rule 14.11(i), or their respective equivalents on other U.S. national securities exchanges.

[5] *See* Securities Exchange Act Release No. 83679 (July 20, 2018), 83 FR 35505 (July 26, 2018) (SR–BatsBZX–2017–72) (the ''Original Approval'').

[6] *See* Post-Effective Amendment Nos. 191, 192, 193, and 194 to Registration Statement on Form N–1A for the Trust, which were filed with the Commission on February 6, 2019 (File Nos. 333–146827 and 811–22135). The descriptions of the Funds and the Shares contained herein are based on information in the Registration Statement. There are no permissible holdings for the Funds that are not described in this proposal. The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') (the ''Exemptive Order''). *See* Investment Company Act Release No. 32854 (October 6, 2017) (File No. 812–14781).

[7] 26 U.S.C. 851.

[8] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

outcomes are predicated on the assumption that an investment vehicle employing the strategy is held for the designated outcome periods. As such, the Exchange is proposing to list a total of up to 72 Funds: Up to twelve monthly series for each Reference Index for each of the Buffer Strategy, Power Buffer Strategy and Ultra Buffer Strategy.

The Exchange submits this proposal in order to allow each Fund to hold listed derivatives, in particular FLexible EXchange Options (''FLEX Options'') on the applicable Reference Index, in a manner that does not comply with Rule 14.11(i)(4)(C)(iv)(b).[9] Otherwise, the Funds will comply with all other listing requirements of the Generic Listing Standards [10] for Managed Fund Shares on an initial and continued listing basis under Rule 14.11(i).

Buffer Funds

Under Normal Market Conditions,[11] each Buffer Fund (which include the Innovator-100 Buffer ETF Series and Innovator Russell 2000 Buffer ETF Series) will attempt to achieve its investment objective by employing a ''defined outcome strategy'' that will seek to provide investment returns during the outcome period that match the gains of the applicable Reference Index (either the Nasdaq-100 Price Index or the Russell 2000 Price Index, respectively), up to the applicable Buffer Cap Level, while shielding investors from Reference Index losses of up to 10%. Pursuant to the Buffer Strategy, each Buffer Fund will invest primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the applicable Reference Index or ETFs that track that Reference Index.

The portfolio managers will invest in a portfolio of FLEX Options linked to an underlying asset that, the Reference Index, when held for the specified period, seeks to produce returns that, over the outcome period, match the positive returns of the applicable Reference Index up to the applicable Buffer Cap Level. Pursuant to the Buffer Strategy, each Buffer Fund's portfolio managers will seek to produce the following outcomes during the outcome period:

- *If the Reference Index appreciates over the outcome period:* the Buffer Fund will seek to provide shareholders with a total return that matches that of the applicable Reference Index, up to and including the applicable Buffer Cap Level;
- *If the Reference Index depreciates over the outcome period by 10% or less:* The Buffer Fund will seek to provide a total return of zero;
- *If the Reference Index decreases over the outcome period by more than 10%:* The Buffer Fund will seek to provide a total return loss that is 10% less than the percentage loss on the Reference Index with a maximum loss of approximately 90%.

The Buffer Funds will produce these outcomes by layering purchased and written FLEX Options. The customizable nature of FLEX Options allows for the creation of a strategy that sets desired defined outcome parameters. The FLEX Options comprising a Buffer Fund's portfolio have terms that, when layered upon each other, are designed to buffer against losses or match the gains of the applicable Reference Index. However, another effect of the layering of FLEX Options with these terms is a cap on the level of possible gains.

Any FLEX Options that are written by a Buffer Fund that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Buffer Fund to create the right to buy or sell the same asset such that the Buffer Fund will always be in a net long position. That is, any obligations of a Buffer Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Buffer Fund seeks to ensure that investments made in a given month during the current year buffer against negative returns of the applicable Reference Index up to pre-determined levels in that same month of the following year. The Buffer Funds do not offer any protection against declines in the Reference Index exceeding 10% on an annualized basis. Shareholders will bear all Reference Index losses exceeding 10% on a one-to-one basis.

The FLEX Options owned by each of the Buffer Funds will have the same terms (*i.e.* same strike price and expiration) for all investors of a Buffer Fund within an outcome period. The Buffer Cap Level will be determined with respect to each Buffer Fund on the inception date of the Buffer Fund and at the beginning of each outcome period and is determined based on the price of the FLEX Options acquired by the Buffer Fund at that time.

Power Buffer Funds

Under Normal Market Conditions, each Power Buffer Fund (which include the Innovator-100 Power Buffer ETF Series and Innovator Russell 2000 Power Buffer ETF Series) will attempt to achieve its investment objective by employing a ''defined outcome strategy'' that will seek to provide investment returns during the outcome period that match the gains of the applicable Reference Index (either the Nasdaq-100 Price Index or the Russell 2000 Price Index, respectively), up to the applicable Power Buffer Cap Level, while shielding investors from Reference Index losses of up to 15%. Pursuant to the Power Buffer Strategy, each Power Buffer Fund will invest primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the applicable Reference Index or ETFs that track that Reference Index.

The portfolio managers will invest in a portfolio of FLEX Options linked to an underlying asset, the Reference Index, that, when held for the specified period, seeks to produce returns that, over the outcome period, match the positive returns of the applicable Reference Index up to the applicable Power Buffer Cap Level. Pursuant to the Power Buffer Strategy, each Power Buffer Fund's portfolio managers will seek to produce the following outcomes during the outcome period:

- *If the Reference Index appreciates over the outcome period:* The Power Buffer Fund will seek to provide shareholders with a total return that matches that of the applicable Reference Index, up to and including the applicable Power Buffer Cap Level;

[9] Rule 14.11(i)(4)(C)(iv)(b) provides that ''the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).'' The Funds do not meet the generic listing standards because they fail to meet the requirement of Rule 14.11(i)(4)(C)(iv)(b) that prevents the aggregate gross notional value of listed derivatives based on any single underlying reference asset from exceeding 30% of the weight of the portfolio (including gross notional exposures) and the requirement that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures).

[10] For purposes of this proposal, the term ''Generic Listing Standards'' shall mean the generic listing rules for Managed Fund Shares under Rule 14.11(i)(4)(C).

[11] As defined in Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

• *If the Reference Index depreciates over the outcome period by 15% or less:* The Power Buffer Fund will seek to provide a total return of zero; and

• *If the Reference Index decreases over the outcome period by more than 15%:* The Power Buffer Fund will seek to provide a total return loss that is 15% less than the percentage loss on the Reference Index with a maximum loss of approximately 85%.

The Power Buffer Funds will produce these outcomes by layering purchased and written FLEX Options. The customizable nature of FLEX Options allows for the creation of a strategy that sets desired defined outcome parameters. The FLEX Options comprising a Power Buffer Fund's portfolio have terms that, when layered upon each other, are designed to buffer against losses or match the gains of the applicable Reference Index. However, another effect of the layering of FLEX Options with these terms is a cap on the level of possible gains.

Any FLEX Options that are written by a Power Buffer Fund that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Power Buffer Fund to create the right to buy or sell the same asset such that the Power Buffer Fund will always be in a net long position. That is, any obligations of a Power Buffer Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Power Buffer Fund seeks to ensure that investments made in a given month during the current year buffer against negative returns of the applicable Reference Index up to pre-determined levels in that same month of the following year. The Power Buffer Funds do not offer any protection against declines in the Reference Index exceeding 15% on an annualized basis. Shareholders will bear all Reference Index losses exceeding 15% on a one-to-one basis.

The FLEX Options owned by each of the Power Buffer Funds will have the same terms (*i.e.* same strike price and expiration) for all investors of a Power Buffer Fund within an outcome period. The Power Buffer Cap Level will be determined with respect to each Power Buffer Fund on the inception date of the Power Buffer Fund and at the beginning of each outcome period and is determined based on the price of the FLEX Options acquired by the Power Buffer Fund at that time.

Ultra Buffer Funds

Under Normal Market Conditions, each Ultra Buffer Fund (which include the Innovator-100 Ultra Buffer ETF Series and Innovator Russell 2000 Ultra Buffer ETF Series) will attempt to achieve its investment objective by employing a ''defined outcome strategy'' that will seek to provide investment returns during the outcome period that match the gains of the applicable Reference Index (either the Nasdaq-100 Price Index or the Russell 2000 Price Index, respectively), up to the applicable Ultra Buffer Cap Level, while shielding investors from Reference Index losses of between 5% and 35%. Pursuant to the Ultra Buffer Strategy, each Ultra Buffer Fund will invest primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the applicable Reference Index or ETFs that track that Reference Index.

The portfolio managers will invest in a portfolio of FLEX Options linked to an underlying asset, the Reference Index, that, when held for the specified period, seeks to produce returns that, over the outcome period, match the positive returns of the applicable Reference Index up to the applicable Ultra Buffer Cap Level. Pursuant to the Ultra Buffer Strategy, each Ultra Buffer Fund's portfolio managers will seek to produce the following outcomes during the outcome period:

• *If the Reference Index appreciates over the outcome period:* The Ultra Buffer Fund will seek to provide a total return that matches the percentage increase of the applicable Reference Index, up to the applicable Ultra Buffer Cap Level;

• *If the Reference Index decreases over the outcome period by 5% or less:* The Ultra Buffer Fund will seek to provide a total return loss that is equal to the percentage loss on the Reference Index;

• *If the Reference Index decreases over the outcome period by 5%–35%:* The Ultra Buffer Fund will seek to provide a total return loss of 5%; and

• *If the Reference Index depreciates over the outcome period by greater than 35%:* The Ultra Buffer Fund will seek to provide a total return loss that is 30% less than the percentage loss on the Reference Index with a maximum loss of approximately 70%.

The Ultra Buffer Funds will produce these outcomes by layering purchased and written FLEX Options. The customizable nature of FLEX Options allows for the creation of a strategy that sets desired defined outcome parameters. The FLEX Options comprising an Ultra Buffer Fund's portfolio have terms that, when layered upon each other, are designed to buffer against losses or match the gains of the applicable Reference Index. However, another effect of the layering of FLEX Options with these terms is a cap on the level of possible gains.

Any FLEX Options that are written by an Ultra Buffer Fund that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Ultra Buffer Fund to create the right to buy or sell the same asset such that the Ultra Buffer Fund will always be in a net long position. That is, any obligations of an Ultra Buffer Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Ultra Buffer Fund seeks to ensure that investments made in a given month during the current year buffer against negative returns of the applicable Reference Index up to pre-determined levels in that same month of the following year. The Ultra Buffer Funds do not offer any protection against declines in the Reference Index exceeding 35% on an annualized basis. Shareholders will bear all Reference Index losses exceeding 35% on a one-to-one basis.

The FLEX Options owned by each of the Ultra Buffer Funds will have the same terms (*i.e.* same strike price and expiration) for all investors of an Ultra Buffer Fund within an outcome period. The Ultra Buffer Cap Level will be determined with respect to each Ultra Buffer Fund on the inception date of the Ultra Buffer Fund and at the beginning of each outcome period and is determined based on the price of the FLEX Options acquired by the Ultra Buffer Fund at that time.

Investment Methodology for the Funds

Under Normal Market Conditions, each Fund will invest primarily in U.S. exchange-listed FLEX Options on the Reference Index. Each of the Funds may invest its net assets (in the aggregate) in other investments which the Adviser or Sub-Adviser believes will help each Fund to meet its investment objective and that will be disclosed at the end of each trading day (''Other Assets''). Other Assets include only the following: Cash or cash equivalents, as defined in Rule 14.11(i)(4)(C)(iii) [12] and standardized

[12] As defined in Rule 14.11(i)(4)(C)(iii), cash equivalents include short-term instruments with

Continued

options contracts listed on a U.S. securities exchange that reference either the Reference Index or that reference ETFs that track the Reference Index (''Reference ETFs'').

Reference Index Options Discussion

The Exchange notes that each of the applicable Reference Indexes meet the generic listing standards applicable to indexes underlying series of Index Fund Shares listed on the Exchange under Rule 14.11(c)(3)(A)(i) and (ii), which include diversity, liquidity, and market cap requirements that are designed to ensure that an underlying index is not susceptible to manipulation. Further, the Exchange notes that the market for each of the options contracts based on the Reference Indexes is deep and liquid, representing multiple billions of dollars in notional volume traded on a daily basis, as laid out below.

Nasdaq-100 Price Index—In 2018, more than 15,000 options contracts on the Nasdaq-100 Price Index were traded per day, which is more than $10 billion in notional volume traded on a daily basis.

Russell 2000 Price Index—In 2018, more than 60,000 options contracts on the Russell 2000 Price Index were traded per day, which is more than $9 billion in notional volume traded on a daily basis.

While FLEX Options are traded differently than standardized options contracts, the Exchange believes that the liquidity in the standardized options contracts for each Reference Index, as laid out above, bolsters the market for FLEX Options. Every FLEX Option order submitted to the applicable listing exchange is exposed to a competitive auction process for price discovery. The process begins with a request for quote (''RFQ'') in which the interested party establishes the terms of the FLEX Options contract. The RFQ solicits interested market participants to respond to the RFQ with bids or offers through a competitive process. This solicitation contains all of the contract specifications-underlying, size, type of option, expiration date, strike price, exercise style and settlement basis. During a specified amount of time, responses to the RFQ are received and at the end of that time period, the initiator can decide whether to accept the best bid or offer. The process occurs under the rules of the applicable exchange which means that customer transactions are effected according to the principles of a fair and orderly market following trading procedures and policies developed by a national securities exchange.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and FLEX Options on each of the applicable Reference Indexes for several reasons: (i) The diversity, liquidity, and market cap of the securities underlying each Reference Index; [13] (ii) the competitive quoting process for FLEX Options; (iii) the significant liquidity in the market for options on each of the applicable Reference Indexes, as described above, results in a well-established price discovery process that provides meaningful guideposts for FLEX Option pricing; and (iv) surveillance by the Exchange, other national securities exchanges on which the options contracts on the Reference Indexes are listed, and the Financial Industry Regulatory Authority (''FINRA'') designed to detect violations of the federal securities laws and self-regulatory organization (''SRO'') rules. The Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation. Further, the Exchange believes that because the assets in each Fund's portfolio, which are comprised primarily of FLEX Options on the applicable Reference Index, will be acquired in extremely liquid and highly regulated markets,[14] the Shares are less readily susceptible to manipulation.

As noted above, options on the Reference Indexes are extremely liquid and derive their value from the actively traded components of the applicable Reference Indexes. The contracts are cash-settled with no delivery of stocks or ETFs, and trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of each Reference Index make securities that derive their value from that index less susceptible to market manipulation in view of market capitalization and liquidity of the components of each Reference Index, price and quote transparency, and arbitrage opportunities.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. All statements and representations made in this filing regarding (a) the description of the portfolio, reference assets, and index, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the related Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the related Shares are not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under Exchange Rule 14.12. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[13] Each of the applicable Reference Indexes meet the generic listing standards applicable to indexes underlying series of Index Fund Shares listed on the Exchange, which include diversity, liquidity, and market cap requirements that are designed to ensure that an underlying index is not susceptible to manipulation. *See* Exchange Rule 14.11(c)(3)(A)(i) and (ii).

[14] All exchange-listed securities that the Funds may hold will trade on a market that is a member of the Intermarket Surveillance Group (''ISG'') and the Funds will not hold any non-exchange-listed equities or options, however, not all of the components of the portfolio for the Funds may trade on exchanges that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. For a list of the current members of ISG, *see www.isgportal.org.*

The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-traded options contracts with other markets and other entities that are members of the ISG and may obtain trading information regarding trading in the Shares and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange believes that the liquidity of the markets for constituent securities of the applicable Reference Indexes, options on the Reference Indexes, and other derivatives related to the Reference Indexes is sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism. Coupled with the extensive surveillance programs of the SROs described above, the Exchange does not believe that trading in the Funds' Shares would present manipulation concerns.

The Exchange represents that, except for the limitations on listed derivatives in BZX Rule 14.11(i)(4)(C)(iv)(b), the Funds' proposed investments will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(i)(4)(C) and all other applicable requirements for Managed Fund Shares under Rule 14.11(i). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Funds. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Managed Fund Shares, which includes the dissemination of key information such as the Disclosed Portfolio,[15] Net Asset Value,[16] and the Intraday Indicative Value,[17] suspension of trading or removal,[18] trading halts,[19] surveillance,[20] minimum price variation for quoting and order entry,[21] and the information circular,[22] as set forth in Exchange rules applicable to Managed Fund Shares. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Quotation and last sale information for U.S. exchange-listed options contracts cleared by The Options Clearing Corporation will be available via the Options Price Reporting Authority. RFQ information for FLEX Options will be available directly from the applicable options exchange. The intra-day, closing and settlement prices of exchange-traded options will be readily available from the options exchanges, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Price information on cash equivalents is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services.

Lastly, the issuer represents that it will provide and maintain a publicly available web tool for each of the Funds on its website that provides existing and prospective shareholders with important information to help inform investment decisions. The information provided includes the start and end dates of the current outcome period, the time remaining in the outcome period, the Fund's current net asset value, the Fund's cap for the outcome period and the maximum investment gain available up to the cap for a shareholder purchasing Shares at the current net asset value. For each of the Funds, the web tool also provides information regarding each Fund's buffer. This information includes the remaining buffer available for a shareholder purchasing Shares at the current net asset value or the amount of losses that a shareholder purchasing Shares at the current net asset value would incur before benefitting from the protection of the buffer. The cover of each Fund's prospectus, as well as the disclosure contained in ''Principal Investment Strategies,'' provides the specific web address for each Fund's web tool.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [23] in general and Section 6(b)(5) of the Act [24] in particular in that it is 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 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.

The Exchange believes that the proposed rule change is 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 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 in that the Shares will meet each of the initial and continued listing criteria in BZX Rule 14.11(i) with the exception of Rule 14.11(i)(4)(C)(iv)(b), which requires that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).[25] Rule 14.11(i)(4)(C)(iv)(b) is intended to ensure that a fund is not subject to manipulation by virtue of significant exposure to a manipulable underlying reference asset by establishing concentration limits among the underlying reference assets for listed derivatives held by a particular fund.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and FLEX Options on the Reference Index for several reasons: (i) The diversity, liquidity, and market cap of the securities underlying each

[15] *See* Rule 14.11(i)(4)(A)(ii) and 14.11(i)(4)(B)(ii).

[16] *See* Rule 14.11(i)(4)(A)(ii).

[17] *See* Rule 14.11(i)(4)(B)(i).

[18] *See* Rule 14.11(i)(4)(B)(iii).

[19] *See* Rule 14.11(i)(4)(B)(iv).

[20] *See* Rule 14.11(i)(2)(C).

[21] *See* Rule 14.11(i)(2)(B).

[22] *See* Rule 14.11(i)(6).

[23] 15 U.S.C. 78f.

[24] 15 U.S.C. 78f(b)(5).

[25] As noted above, the Exchange is submitting this proposal because the Funds would not meet the requirements of Rule 14.11(i)(4)(C)(iv)(b) which prevents the aggregate gross notional value of listed derivatives based on any single underlying reference asset from exceeding 30% of the weight of the portfolio (including gross notional exposures) and the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets from exceeding 65% of the weight of the portfolio (including gross notional exposures).

Reference Index; [26] (ii) the competitive quoting process for FLEX Options; (iii) the significant liquidity in the market for options on each of the applicable Reference Indexes, as described above, results in a well-established price discovery process that provides meaningful guideposts for FLEX Option pricing; and (iv) surveillance by the Exchange, other national securities exchanges on which the options contracts on the Reference Indexes are listed, and FINRA designed to detect violations of the federal securities laws and SRO rules. The Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation. Further, the Exchange believes that because the assets in each Fund's portfolio, which are comprised primarily of FLEX Options on the applicable Reference Index, will be acquired in extremely liquid and highly regulated markets, the Shares are less readily susceptible to manipulation.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. All statements and representations made in this filing regarding (a) the description of the portfolio, reference assets, and index, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the related Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the related Shares are not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under Exchange Rule 14.12. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-traded options contracts with other markets and other entities that are members of the ISG and may obtain trading information regarding trading in the Shares and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees. As noted above, options on the Reference Index are extremely liquid and derive their value from the actively traded Reference Index components. The contracts are cash-settled with no delivery of stocks or ETFs, and trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of each Reference Index make securities that derive their value from that index less susceptible to market manipulation in view of market capitalization and liquidity of the applicable Reference Index components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the liquidity of the markets for constituent securities of the applicable Reference Indexes, options on the Reference Indexes, and other derivatives related to the Reference Indexes is sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism. Coupled with the extensive surveillance programs of the SROs described above, the Exchange does not believe that trading in the Funds' Shares would present manipulation concerns.

The Exchange represents that, except as described above, the Funds will meet and be subject to all other requirements of the Generic Listing Standards and other applicable continued listing requirements for Managed Fund Shares under Rule 14.11(i), including those requirements regarding the Disclosed Portfolio,[27] Intraday Indicative Value,[28] suspension of trading or removal,[29] trading halts,[30] disclosure,[31] and firewalls.[32] The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of each Fund. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of Managed Fund Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

[26] Each of the applicable Reference Indexes meet the generic listing standards applicable to indexes underlying series of Index Fund Shares listed on the Exchange, which include diversity, liquidity, and market cap requirements that are designed to ensure that an underlying index is not susceptible to manipulation. *See* Exchange Rule 14.11(c)(3)(A)(i) and (ii).

[27] *See* Rule 14.11(i)(4)(B)(ii).

[28] *See* Rule 14.11(i)(4)(B)(i).

[29] *See* Rule 14.11(i)(4)(B)(iii).

[30] *See* Rule 14.11(i)(4)(B)(iv).

[31] *See* Rule 14.11(i)(6).

[32] *See* Rule 14.11(i)(7).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–067 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–2019–067. 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–2019–067, and should be submitted on or before August 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16612 Filed 8–2–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–448, OMB Control No. 3235–0507]

Submission for OMB Review; 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 19b–5 and Form PILOT

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 19b–5 (17 CFR 240.19b–5) and Form PILOT (17 CFR 249.821) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 19b–5 provides a temporary exemption from the rule-filing requirements of Section 19(b) of the Exchange Act (15 U.S.C. 78s(b)) to self-regulatory organizations (''SROs'') wishing to establish and operate pilot trading systems. Rule 19b–5 permits an SRO to develop a pilot trading system and to begin operation of such system shortly after submitting an initial report on Form PILOT to the SEC. During operation of any such pilot trading system, the SRO must submit quarterly reports of the system's operation to the SEC, as well as timely amendments describing any material changes to the system. Within two years of operating such pilot trading system under the exemption afforded by Rule 19b–5, the SRO must submit a rule filing pursuant to Section 19(b)(2) of the Exchange Act (15 U.S.C. 78s(b)(2)) to obtain permanent approval of the pilot trading system from the SEC.

The collection of information is designed to allow the SEC to maintain an accurate record of all new pilot trading systems operated by SROs and to determine whether an SRO has properly availed itself of the exemption afforded by Rule 19b–5, is operating a pilot trading system in compliance with the Exchange Act, and is carrying out its statutory oversight obligations under the Exchange Act.

The respondents to the collection of information are national securities exchanges and national securities associations.

There are 23 SROs which could avail themselves of the exemption under Rule 19b–5 and the use of Form PILOT. The SEC estimates that approximately three of these SROs, in the aggregate, each year will file on Form PILOT one initial report (*i.e.,* 3 reports total, for an estimated annual burden of 72 hours total), four quarterly reports (*i.e.,* 12 reports total, for an estimated annual burden of 36 hours total), and two amendments (*i.e.,* 6 reports total, for an estimated annual burden of 18 hours total). Thus, the estimated annual response burden resulting from Form PILOT is 42 hours per SRO, or a total of 126 hours for the three SROs. The SEC estimates that the aggregate annual internal cost of compliance for all three respondents is approximately $38,094 (126 hours at an average of $302.333 per hour). In addition, the SEC estimates that the three SRO respondents will incur, in the aggregate, printing, supplies, copying, and postage expenses of $6,101 per year for filing initial reports, $3,046 per year for filing quarterly reports, and $1,523 per year for filing notices of material systems changes, for a total annual cost burden of $10,670 for all three respondents.

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.

The public may view background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *lindsay.m.abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

[33] 17 CFR 200.30–3(a)(12).

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16599 Filed 8–2–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–19, OMB Control No. 3235–0012]

Submission for OMB Review; 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 15b1–1/Form BD

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15b1–1(17 CFR 240.15b1–1) and Form BD (17 CFR 249.501) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*).

Form BD is the application form used by firms to apply to the Commission for registration as a broker-dealer, as required by Rule 15b1–1. Form BD also is used by firms other than banks and registered broker-dealers to apply to the Commission for registration as a municipal securities dealer or a government securities broker-dealer. In addition, Form BD is used to change information contained in a previous Form BD filing that becomes inaccurate.

The total industry-wide annual time burden imposed by Form BD is approximately 4,118.07 hours, based on approximately 11,137 responses (183 initial filings + 10,954 amendments). Each application filed on Form BD requires approximately 2.75 hours to complete and each amended Form BD requires approximately 20 minutes to complete. (183 × 2.75 hours = 503.25 hours; 10,954 × 0.33 hours = 3,614.82 hours; 503.25 hours + 3,614.82 hours = 4,118.07 hours.) The staff believes that a broker-dealer would have a Compliance Manager complete and file both applications and amendments on Form BD at a cost of $314/hour. Consequently, the staff estimates that the total internal cost of compliance associated with the annual time burden is approximately $1,293,073.98 per year ($314 × 4,118.07). There is no external cost burden associated with Rule 15b1–1 and Form BD.

The Commission uses the information disclosed by applicants in Form BD: (1) To determine whether the applicant meets the standards for registration set forth in the provisions of the Exchange Act; (2) to develop a central information resource where members of the public may obtain relevant, up-to-date information about broker-dealers, municipal securities dealers, and government securities broker-dealers, and where the Commission, other regulators, and SROs may obtain information for investigatory purposes in connection with securities litigation; and (3) to develop statistical information about broker-dealers, municipal securities dealers, and government securities broker-dealers. Without the information disclosed in Form BD, the Commission could not effectively implement policy objectives of the Exchange Act with respect to its investor protection function.

Completing and filing Form BD is mandatory in order to engage in broker-dealer activity. Compliance with Rule 15b1–1 does not involve the collection of confidential information.

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.

The public may view background documentation for this information collection at the following website: *http://www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *lindsay.m.abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or by sending an email to *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: July 30, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–16601 Filed 8–2–19; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36299]

Soo Line Railroad Company—Petition for Declaratory Order and Preliminary Injunction—Interchange With Canadian National

By decision served on July 19, 2019, the Board announced that it will hold oral argument to address the issues presented in this proceeding. The oral argument will be held on Tuesday, August 6, 2019, at 10:00 a.m., in the James E. Webb Memorial Auditorium of the National Aeronautics and Space Administration (NASA), located at 300 E Street SW, Washington, DC, across the street from the Board's headquarters building. The oral argument will be open for public observation, but only counsel and designated representatives for the parties, as discussed below, will be permitted to participate.

CP and CN will each have 20 minutes of argument time. The Village of Bartlett filed a notice of intent to participate on July 26, 2019, and requested 10 minutes of argument time, which will be granted. CP will open and may reserve part of its time for rebuttal if it so chooses. Board members may ask questions during the parties' allotted time. Absent a request from the Board, no additional written comments or other submissions may be filed in connection with this oral argument. Each party is encouraged to use its allotted time to call attention to the arguments and evidence it believes are particularly important. The arguments will be in the style of an appellate court. Parties should prepare a short statement of their argument and be prepared to answer questions from the Board. The purpose of oral argument is not to restate the written arguments previously presented or to present evidence, but to summarize and emphasize the key points of a party's case and provide an opportunity for parties to answer questions that the Board may have.

Instructions for Attendance at Oral Argument

All persons attending the oral argument should use NASA's visitors West Lobby entrance, located at 300 E Street SW (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved seating, except for those scheduled to present arguments. The building will be open to the public at 7:00 a.m. There is no public parking in the building.

Laptops may be used in the Auditorium, and Wi-Fi will be available. Cellular telephone use is not permitted in the Auditorium.

The James E. Webb Memorial Auditorium complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245–0245, by the close of business on August 1, 2019.

Streaming will not be available to the Board for this oral argument.

For further information regarding the oral argument, contact Jonathon Binet at (202) 245–0368. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

It is ordered:

1. Oral argument will be held on Tuesday, August 6, 2019, at 10:00 a.m., in NASA's James E. Webb Memorial Auditorium, located at 300 E Street SW, Washington, DC, as described above.

2. This decision is effective on the date of service.

Decided: July 30, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–16605 Filed 8–2–19; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0177]

Crash Preventability Determination Program

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

ACTION: Notice and request for comments.

SUMMARY: On July 27, 2017, FMCSA announced a crash preventability demonstration program to evaluate the preventability of eight categories of crashes through submissions of Requests for Data Review to its national data correction system known as DataQs. After 18 months of operating the program, FMCSA has decided to operate a crash preventability determination program, using a streamlined process, and proposes to modify the Safety Measurement System to remove crashes found to be not preventable from the prioritization algorithm and noting the not preventable determinations in the Pre-Employment Screening Program. In addition, FMCSA proposes to consolidate two of the original crash types in the demonstration program and start reviewing additional crash types to determine if crashes in the additional categories are predominantly not preventable. FMCSA seeks comments on its implementation of these changes and on the new crash types.

DATES: Comments must be received on or before October 4, 2019.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0177 using any of the following methods:

Federal eRulemaking Portal: Go to *www.regulations.gov.* Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 0590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

FOR FURTHER INFORMATION CONTACT: Mr. Catterson Oh, Compliance Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Telephone 202–366–6160 or by email: *Catterson.Oh@dot.gov.* If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice FMCSA–2014–0177, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number, ''FMCSA–2014–0177'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

II. Background

History

The Agency's Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) in FMCSA's Safety Measurement System (SMS) includes all crashes, without regard to the preventability of the crash. On January 23, 2015, FMCSA announced the results of the Agency's study on the feasibility of using a motor carrier's role in crashes in the assessment of the company's safety (80 FR 3719). In response to the January 2015 **Federal Register** notice,

the American Trucking Associations (ATA) provided a list of certain types of crashes it considered not preventable and suggested that FMCSA establish a process by which documents could be submitted on these crashes and they could be removed from the motor carriers' records.

In a **Federal Register** notice dated July 12, 2016, FMCSA proposed a demonstration program to determine the efficacy of preventability determinations on certain types of crashes that are generally less complex (81 FR 45210). The Agency proposed to accept Requests for Data Review (RDRs) to evaluate the preventability of certain categories of crashes through its national data correction system known as DataQs. It proposed that a crash challenged through an RDR would be found not preventable when evidence submitted with the RDR established that the crash could not have been averted by an act, or failure to act, by the motor carrier or the driver.

On July 27, 2017, FMCSA published a subsequent **Federal Register** notice announcing the start of the demonstration program to test eight specific crash types and explaining the details of the program (82 FR 35045). On February 7, 2018, FMCSA published a **Federal Register** notice to clarify how crash types were being defined and to provide other information to help submitters (83 FR 5506).

First Set of Crash Types

To date, FMCSA has reviewed RDRs submitted under one of the following eight crash types:

1. When the commercial motor vehicle (CMV) was struck by a motorist driving under the influence (or related offense);
2. When the CMV was struck by a motorist driving the wrong direction;
3. When the CMV was struck in the rear;
4. When the CMV was struck while it was legally stopped or parked, including when the vehicle was unattended;
5. When the CMV struck an individual committing or attempting to commit suicide by stepping or driving in front of the CMV;
6. When the CMV sustained disabling damage after striking an animal in the roadway;
7. When the crash was the result of an infrastructure failure, falling trees, rocks, or other debris; or
8. When the CMV was struck by cargo or equipment from another vehicle.

Statistics

Between August 1, 2017 and May 31, 2019, 12,249 RDRs were submitted to FMCSA. Approximately 56 percent of the submitted RDRs were eligible, meaning they were one of the eight crash types. After reviewing the eligible crashes, approximately 93 percent were found to have been not preventable.

FMCSA maintains statistics on the program on its website at www.fmcsa.dot.gov/crash-preventability-demonstration-program. As of May 31, 2019, information from the program is as follows:

TABLE 1—CRASH PREVENTABILITY PROGRAM DETERMINATIONS BY CRASH TYPE

Crash type	Total RDRs	Not preventable	Preventable	Undecided
1. When the commercial motor vehicle (CMV) was struck by a motorist driving under the influence (or related offense)	417	386	12	19
2. When the CMV was struck by a motorist driving the wrong direction	365	334	6	25
3. When the CMV was struck in the rear	3,927	3,675	49	203
4. When the CMV was struck while legally stopped or parked, including when the vehicle was unattended	444	413	8	23
5. When the CMV was struck by an individual committing or attempting to commit suicide by stepping or driving in front of the CMV	17	16	0	1
6. When the CMV sustained disabling damage after striking an animal in the roadway	218	206	2	10
7. When the crash was a result of an infrastructure failure, falling trees, rocks, or other debris	82	79	2	1
8. When the CMV was struck by cargo or equipment from another vehicle	149	138	4	7
Total	5,619	5,247	83	289

As of May 31, 2019, 3,558 unique carriers had submitted RDRs. Of these, 1,750 carriers submitted 1 RDR, 1,618 carriers submitted between 2 and 9 RDRs, and 190 carriers submitted 10 or more RDRs. The highest number of RDRs submitted by 1 carrier was 254 RDRs.

For the majority of crashes that were determined to be preventable, the driver was operating with an out of service (OOS) condition under the North American Standard OOS Criteria, including that the driver was not properly licensed on the day of the crash. The Agency was clear in its July 2017 **Federal Register** notice that in these circumstances, crashes would be found to be preventable.

The undecided determinations were largely due to the submitter's failure to provide, after FMCSA's request, documentation confirming the validity of the driver's commercial driver's license (CDL) or medical certification on the date of the crash, or would found to be undecided because the documentation provided contained conflicting information about the submitter's actions in the crash.

Review Processes

FMCSA has used contract resources to complete two stages of review within the DataQs system. In stage 1, the reviewer collects all documents related to the crash from the submitter and FMCSA systems including the Motor Carrier Management Information System (MCMIS) crash report, the Commercial Driver's License Information System (CDLIS) driver history record, any post-crash inspection report, the Driver Information Resource, any recent enforcement information for the motor carrier, and any media reports about the crash.

If the CDLIS record has been updated since the date of the crash, the reviewer requests documentation of the CDL or medical certificate on the date of the crash. In the cases of fatal crashes, the reviewer requests the CMV driver's post-crash drug and alcohol test results.

In stage 2, an experienced crash report reviewer evaluates all of the documents from the submitter and stage 1. Based on

the evidence reviewed, the stage 2 reviewer makes a recommendation to FMCSA as to whether the submitter demonstrated, through compelling evidence, that the crash was not preventable.

An FMCSA employee reviews the evidence collected and considered by the stage 2 reviewer and the recommendation and makes the determination. If FMCSA agrees with the recommendation of not preventable, the crash is posted for public input on the DataQs system for 30 days. Any new documents or data will be reviewed and considered before FMCSA makes a final determination. At this time, the DataQs public input functionality has been used only two times, to provide additional information from the submitter and to make a general comment about not preventable crashes that was not crash specific.

In addition, as announced in the Agency's February 2018 **Federal Register** notice, the Agency recognized that some parties involved in the crash might not be able to provide input within 30 days. The Agency is maintaining a list of not preventable final determinations on its website at *https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program.* This list is updated monthly. If at any time a party has information and documentation to counter a determination, FMCSA will accept that information at *crash.preventability@dot.gov* and may change the determination. To date, no emails have been received with information contrary to a determination.

Final determinations (*i.e.,* not preventable, preventable, undecided) made through this demonstration program are noted on the Agency's public SMS website within 60 days. No crashes are removed from the SMS Crash Indicator BASIC. However, a logged-in motor carrier viewing its own data in SMS sees an alternative percentile and measure with the crashes with not preventable determinations removed. The Crash Indicator BASIC percentiles have never been publicly available and remain available only to motor carriers who log in to view their own data, as well as to FMCSA and law enforcement users.

Submitted Documents

FMCSA has not required submitters to provide any specific documentation. The burden is on the submitter to show, by compelling evidence, that the crash was not preventable. FMCSA estimates that 99 percent of submitters of eligible crashes provided Police Accident Reports (PARs). In the limited situations where a PAR was not submitted and the crash was found to be eligible, another official law enforcement-issued document with sufficient information was provided, such as a State-issued driver information exchange report with sufficient details of the crash.

FMCSA notes that other evidence such as photos and videos significantly improved the Agency's ability to determine: (1) If the crash met one of the eligible crash types or not; and, if eligible, (2) preventability. Internal company documents and insurance reports were provided by some submitters but, when reviewed on their own, did not generally provide compelling evidence.

Effectiveness Analysis

FMCSA conducted a preliminary analysis of the 2-year demonstration program. A copy of the Agency's analysis using 18 months of safety data is included in the docket for this notice. This analysis quantified the program's impacts in terms of: (1) Number of carriers impacted; (2) size of SMS percentile changes; and (3) future crash rate of identified carriers like is calculated in the Agency's SMS effectiveness analysis.

In summary, the carriers that have Not Preventable crashes removed through the demonstration program see a reduction in their Crash Indicator BASIC percentiles. The analysis team found a negligible impact on SMS effectiveness after removing Not Preventable crashes. Regardless of whether Not Preventable crashes are removed, carriers identified in SMS, when considering all BASICs, have a crash rate 97% higher than those not identified. The lack of an impact is mainly a result of the small number of carriers affected by the removal of Not Preventable crashes. Only 169 and 208 carriers are expected to gain and lose alert in the Crash Indicator BASIC, respectively, which is a small fraction (2%) of the 8,634 carriers identified in the Crash Indicator BASIC.

Small carriers that have Not Preventable crashes removed through the demonstration program have the largest reductions in their Crash Indicator BASIC percentiles, mainly by dropping below the data sufficiency threshold. However, most of the small carrier population, did not participate. To improve representation, small carriers could be encouraged participate in the Agency's future program.

Implementation Proposal

Changes to Eligible Crash Types

FMCSA proposes two changes to the original eight crash types. First, FMCSA would combine the crash type involving infrastructure failures and debris with the crash type for CMVs struck by cargo and equipment. The distinction between these two crash types did not result in different determinations and, in some cases, required submitters to resubmit their RDRs under the other crash type. In addition, FMCSA is changing the ''Motorist Under the Influence'' crash type to ''Individual Under the Influence'' to include pedestrians and bicyclists. As a result, the revised crash types are:

1. Struck in rear—Crashes would qualify when the striking vehicle was directly behind the submitter's vehicle prior to the crash and strikes the CMV on the back plane. This crash type does not include side swipes or when the point of impact was on the side toward the rear of the truck/trailer.

2. Legally stopped or parked—Crashes would qualify if the CMV was stopped at a light, stop sign or other traffic control device, stopped for railroad crossings or school buses, or was parked. This crash type does not include crashes that occurred when the CMV was stopped in traffic.

3. Suicides or Suicide Attempts—Crashes would qualify if the submitter provided evidence that the CMV struck an individual committing or attempting to commit suicide. This crash type does not include action where a vehicle or pedestrian enters the CMV's path with no documented reason.

4. Wrong Direction—Crashes would qualify only if the CMV was struck after the other vehicle fully crossed the center line or median, or the other driver was driving in the wrong direction (*e.g.,* driving southbound in the northbound lanes of an interstate or opposite on a one-way road). To qualify for this crash type the other vehicle was operating in the opposing direction before the crash. This crash type does not include when the vehicle partially crosses the center line or when the involved vehicles were traveling in the same direction. This crash type also does not include when the CMV crossed into the other lane.

5. Animal Strikes—Crashes would qualify only if the CMV struck the animal. This would not include crashes where the CMV crashed avoiding the animal.

6. Individuals Under the Influence—This crash type would require evidence that the CMV was struck by an individual who was operating ''under

the influence'' (or related violation such as operating while intoxicated), according to the legal standard of the jurisdiction in which the crash occurred, to include either alcohol or drug test results, an arrest, a citation/violation, or a refusal.

7. Infrastructure failure or struck by cargo, equipment or debris—This crash type would be changed to include any cargo and equipment, not just fallen cargo and equipment. This would include crashes when the cargo or equipment on a vehicle shifts or extends into the path of travel. This crash type would not include when the CMV was struck by another vehicle that was not being transported as cargo.

In addition, FMCSA proposes to test the following additional crash types. These crashes were frequently submitted during the demonstration program, but did not qualify for one of the original crash types. However, the PARs provided sufficient information to reach a preventability determination.

8. When the CMV is struck on the side in the rear—These crashes would include when the CMV is struck on the side at the rear of the CMV when the other driver was in another lane before the crash and strikes the CMV at the side. For example, this would include when the PAR indicates that the CMV was struck at the 5:00 or 7:00 point of impact;

9. When the CMV is struck by a vehicle that did not stop or slow in traffic—These crashes are when the CMV is stopped in a traffic lane due to traffic. This would include when the CMV is struck on the side;

10. When the CMV is struck by a vehicle that failed to stop at a traffic control device (*e.g.,* stop sign, red light or yield);

11. When the CMV is struck by a vehicle that was making a U-turn or illegal turn;

12. When the CMV is struck by a driver who experiences a medical issue which causes the crash;

13. When the CMV is struck by a driver who admits falling asleep or admits distracted driving (*e.g.,* cellphone, GPS, passengers, other);

14. When the crash involved an individual ''under the influence'' (or related violation such as operating while intoxicated), according to the legal standard of the jurisdiction in which the crash occurred, even if the CMV was struck by another vehicle involved in the crash and not by the individual under the influence. The standards for test results, arrest or a citation would continue to apply; or

15. When the crash involved a driver operating in the wrong direction, even if the CMV was struck by another vehicle involved in the crash and not by the driver operating in the wrong direction. The standard for the other wrong direction vehicle to be completely operating in the wrong lane (*e.g.,* completely across the center line or over a median) or the other driver was driving in the wrong direction (*e.g.,* driving southbound in the northbound lanes of an interstate or opposite on a one-way road.) to qualify for this crash type.

FMCSA expects to analyze these additional crash types for 24 months but may announce changes earlier if: (1) Certain crash types cannot be consistently reviewed; (2) these crash types result largely in preventable or undecided determinations; or (3) there is sufficient information to make recommendations for future implementation.

SMS and PSP Changes

Effective for crashes on or after August 1, 2019, for any of the 15 types noted above, FMCSA would continue to display the crashes in SMS with notations of not preventable, preventable or undecided but would remove crashes with not preventable determinations from the SMS Crash Indicator BASIC calculation. FMCSA will also note the not preventable determinations in PSP. FMCSA proposes that preventable determinations would not be noted in PSP because the driver may not be aware when the motor carrier submits a crash that results in a preventable determination. The Agency is specifically interested in receiving comments on this issue.

As crashes in SMS are only displayed for 2 years, notations in SMS for crashes reviewed during the demonstration program will remain for 2 years from the date of the crash. Crashes reviewed during the demonstration program will not be removed from calculation of the SMS Crash Indicator BASIC but motor carriers will still have access to the alternative measures and percentiles.

The Agency has an interest in maintaining transparent and accurate safety performance data. The Agency also believes that removing not preventable crashes from the SMS may provide additional safety incentives to carriers that are not reflected in the effectiveness study, but requests comments on this issue.

The proposed changes to SMS would go into effect only after comments to this notice are fully reviewed and any needed changes addressed. In addition, FMCSA needs to implement information technology system changes, specifically in the DataQs system, to sustain longer term operations and reduce costs and improve efficiencies.

As a result, the changes proposed in this notice would not go into effect until these steps, and other needed implementation actions, are completed and the Agency publishes a follow up **Federal Register** notice.

Impact of SMS Changes

Once FMCSA begins removing crashes from the Crash Indicator BASIC, and because SMS is a relative system, the calculation may increase the Crash Indicator BASIC percentiles of other carriers. As a result, a motor carrier that does not have any additional crashes may see its Crash Indicator BASIC percentile increase because its peers submitted RDRs and crashes were found to be not preventable and were removed from the calculations.

Although removing not preventable crashes from the calculation of the Crash Indicator BASIC may identify a different set of carriers for intervention, the Crash Indicator BASIC percentiles have never been publicly available and will remain available only to motor carriers who log in to view their own data, as well as to FMCSA and law enforcement users. This change would not change any carrier's safety fitness rating or ability to operate, nor would it establish any obligations or impose legal requirements on any motor carrier. This change also would not change how the Agency makes enforcement decisions.

End of Demonstration Program and Start of New Program

FMCSA proposes to continue accepting crashes occurring on or after June 1, 2017, and through July 31, 2019, until September 30, 2019. This will allow RDRs for crashes occurring in July 2019 to be submitted, reviewed and preventability determinations noted in SMS.

FMCSA is preparing to be able to accept the 15 crash types noted above in DataQs on or about October 1, 2019. Submitters will be able to submit crashes occurring on or after August 1, 2019, for all 15 crash types. As a result, there is no gap in time for submissions of RDRs.

Public Input Changes

As previously noted, FMCSA has not received public input on any of the crashes. As a result, FMCSA proposes to cease the 30-day public input period and cease the practice of publishing preliminary not preventable determinations. This will allow RDRs to be closed with not preventable determinations without the 30-day

delay and will reduce resources to take additional action on the RDR. In addition, FMCSA proposes to stop publishing a list of not preventable determinations on the Agency's website. Instead, the Agency would accept information about any crash by email to the *crash.preventability@dot.gov* email address for any crash in SMS with a not preventable notation. Any information received would be fully considered and could result in a change in the determination. The Agency is specifically interested in receiving comments on this issue.

Document Requirement

FMCSA also proposes requiring submitters to provide the complete PAR to participate in the program. In nearly all qualified submissions, a PAR was needed to reach a determination, and most submitters provided the PAR as the required compelling evidence. The submitter may provide other documentation as well, as the burden will remain on the submitter to provide compelling evidence showing that the crash was not preventable. Therefore, if only the PAR is submitted and it contains conflicting information about the crash (*i.e.,* the narrative is different than the diagram or point of impact information) and FMCSA cannot determine eligibility for one of the 15 crash types, the crash will be deemed Not Eligible. If the crash is found to be eligible, the PAR information conflicts, this may result in an undecided determination.

Process Information

The demonstration program required submitters to resubmit the RDR for it to be considered under another crash type. In the future, FMCSA proposes to develop the functionality in DataQs to allow FMCSA to change the crash type on behalf of the submitter to another eligible crash type, when appropriate.

FMCSA will streamline the review process and use only one stage of contract reviewers to provide a recommendation. In addition, FMCSA may allow the contract reviewers to close RDRs for crashes that are not one of the 15 eligible crash types.

To date, the stage 1 reviewer has pulled the MCMIS crash record and a current CDLIS report for the submitter's driver. For many RDRs, the driver had a license change such as a renewal or new medical certificate after the date of the crash, and FMCSA requested confirmation of the CDL or medical certificate on the date of the crash. On only a few RDRs did this result in a determination that the driver was not qualified on the date of the crash. In most RDRs, the MCMIS crash report accurately reflected the driver's proper licensing status at the time of the crash. As a result, FMCSA proposes to rely solely on the MCMIS report to confirm the driver's license and medical certification status as part of implementation.

FMCSA proposes to continue reviewing any post-crash inspection reports and if the inspection shows that the CMV was in violation of an OOS regulation under the North American Standard OOS Criteria prior to the crash or that the driver was not properly licensed, the crash would be deemed preventable. In addition, FMCSA will continue to request post-crash drug and alcohol test results when the crash results in a fatality.

Crash Preventability Determinations During Investigations and Safety Audits

It should be noted that the crash preventability determination program does not change FMCSA's processes for reviewing crashes during an investigation or safety audit. In the event an investigation or audit results in a different determination than was made through this program, FMCSA will review all information provided and the determination made through this program may change.

National Academy of Sciences' Correlation Study

FMCSA proposes to make these changes to SMS separately from the ongoing work that FMCSA is undertaking in response to the June 27, 2017, report of the National Academy of Sciences (NAS), ''Improving Motor Carrier Safety Measurement.'' In its report, the NAS noted that the demonstration program was of interest but did not issue a recommendation directly relating to the program.

Comments Sought

FMCSA seeks comments generally on the proposals described above. FMCSA also seeks comments specifically on the following questions.

1. If you participated in the demonstration program, did you realize any new safety incentives to your operations? If so, how were they quantified?

2. Would the ability to have not preventable crashes removed from the calculation of your Crash Indicator BASIC measure and percentile provide any new safety incentives to your operations?

3. If you have not submitted a crash for a preventability determination, what were your reasons for not participating?

Dated: July 31, 2019.

Raymond P. Martinez,

Administrator.

[FR Doc. 2019–16693 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0032]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 40 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2019–0032, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, 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.*

II. Background

FMCSA received applications from 40 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8). Therefore, the 40 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(8).

Each applicant has, prior to publication of this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 40 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Virgen L. Acevedo (NJ)
Niles Bartelson (UT)
Alex Becker (WV)
Joseph Bellamy (MD)
Randson Burdette (OH)
Lorenzo Cardenas (CA)
Lucas Choinard (WA)
Walter Cook (AK)
Kyle Dona (WY)
Jeffrey Douglass (ME)
Pamela Eastridge (VA)
Leonel Escobedo (TX)
Mark A. Gallegos (NM)
Lamont Hardy (MS)
Dustan Hendrickson (OR)
Zachary C. Herrin (OK)
Terry Kahle (PA)
Nickon Knight (MI)
David Kummer (MN)
Dan Liners (MN)
Bradley W. Looney (NC)
Wesley Moses (NC)
Christopher Nelson (SC)
Johanna Pfiester (SD)
Gary Pierson (CA)
Shadow T. Ramsay (NH)
Joel Rowe (MD)
Elsa Santos (NJ)
Robert G. Schauer III (IA)
Earl Seams (ME)
Michael Shea (NJ)
Brian D. Six (IA)
Sergio Soto Huicochea (AZ)
Tyler Sozcka (WI)
Joseph Stark (WI)
Matthew Stoss (WI)
Daisy Tapia (NY)
Juan Toribio (CA)
Shawn M. Tupick (NH)
Jason Viar (FL)

Issued on: July 26, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–16649 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2001–9258; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2008–0106; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2009–0086; FMCSA–2010–0082; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0142; FMCSA–2012–0104; FMCSA–2012–0215; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2013–0025; FMCSA–2013–0026; FMCSA–2014–0006; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0048; FMCSA–2016–0028; FMCSA–2016–0206; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0017; FMCSA–2017–0018]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 173 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2001–9258; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2008–0106; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2009–0086; FMCSA–2010–0082; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0142; FMCSA–2012–0104; FMCSA–2012–0215; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2013–0025; FMCSA–2013–0026; FMCSA–2014–0006; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0048; FMCSA–2016–0028; FMCSA–2016–0206; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0017; or FMCSA–2017–0018, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, 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.*

II. Background

On May 14, 2019, FMCSA published a notice announcing its decision to renew exemptions for 173 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (84 FR 21397). The public comment period ended on June 13, 2019, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based on its evaluation of the 173 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of June and are discussed below. As of June 4, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 99 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 40404; 64 FR 66962; 65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 10475; 67 FR 68719; 68 FR 2629; 68 FR 10301; 68 FR 13360; 68 FR 19596; 68 FR 19598; 68 FR 33570; 69 FR 26206; 69 FR 33997; 69 FR 53493; 69 FR 61292; 69 FR 62742; 69 FR 64806; 69 FR 71100; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16886; 70 FR 16887; 70 FR 17504; 70 FR 25878; 70 FR 30997; 71 FR 26602; 71 FR 32183; 71 FR 41310; 71 FR 62148; 71 FR 63379; 72 FR 180; 72 FR 184; 72 FR 1050; 72 FR 1051; 72 FR 1053; 72 FR 1056; 72 FR 9397; 72 FR 11425; 72 FR 11426; 72 FR 12666; 72 FR 18726; 72 FR 25831; 72 FR 27624; 72 FR 28093; 73 FR 27017; 73 FR 35194; 73 FR 35197; 73 FR 35199; 73 FR 36955; 73 FR 48273; 73 FR 48275; 73 FR 61925; 73 FR 76439; 73 FR 76440; 73 FR 78423; 74 FR 6211; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 11988; 74 FR 11991; 74 FR 15584; 74 FR 15586; 74 FR 19270; 74 FR 20253; 74 FR 21427; 75 FR 25917; 75 FR 27621; 75 FR 36778; 75 FR 39727; 75 FR 52062; 75 FR 59327; 75 FR 72868; 75 FR 77492; 75 FR 77942; 75 FR 79083; 75 FR 79084; 75 FR 80887; 76 FR 5425; 76 FR 9856; 76 FR 9865; 76 FR 11215; 76 FR 12216; 76 FR 15361; 76 FR 17481; 76 FR 17483; 76 FR 20076; 76 FR 21796; 76 FR 25762; 76 FR 28125; 76 FR 29026; 76 FR 49528; 76 FR 61143; 77 FR 27847; 77 FR 38386; 77 FR 48590; 77 FR 52381; 77 FR 52388; 77 FR 52389; 77 FR 64839; 77 FR 64841; 77 FR 68202; 77 FR 70534; 77 FR 74731; 77 FR 74734; 77 FR 75494; 77 FR 75496; 77 FR 76167; 78 FR 800; 78 FR 9772; 78 FR 10250; 78 FR 11731; 78 FR 12811; 78 FR 12815; 78 FR 12822; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 16912; 78 FR 18667; 78 FR 22596; 78 FR 22602; 78 FR 24300; 78 FR 26106; 78 FR 29431; 78 FR 30954; 78 FR 67460; 79 FR 29495; 79 FR 35212; 79 FR 47175; 79 FR 51642; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 65759; 79 FR 65760; 79 FR 69985; 79 FR 72754; 79 FR 74168; 79 FR 74169; 80 FR 603; 80 FR 2473; 80 FR 3305; 80 FR 3308; 80 FR 3723; 80 FR 7679; 80 FR 8751; 80 FR 8927; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14220; 80 FR 14223; 80 FR 15859; 80 FR 15863; 80 FR 16500; 80 FR 16502; 80 FR 18693; 80 FR 18696; 80 FR 20559; 80 FR 22773; 80 FR 25766; 80 FR 26320; 80 FR 29152; 80 FR 33011; 80 FR 45573; 81 FR 28138; 81 FR 39320; 81 FR 60115; 81 FR 66720; 81 FR 68098; 81 FR 70251; 81 FR 72642; 81 FR 72664; 81 FR 90050; 81 FR 94013; 81 FR 96165; 81 FR 96178; 81 FR 96180; 82 FR 13043; 82 FR 13045; 82 FR 13048; 82 FR 13187; 82 FR 15277; 82 FR 17736; 82 FR 18949; 82 FR 18954; 82 FR 18956; 82 FR 22379; 82 FR 23712; 82 FR 26224; 82 FR 28734):

Jawad K. Al-Shaibani (WA)
Dennis J. Ameling (IA)
Kreis C. Baldridge (TN)
Donald A. Becker (MI)
Rex A. Botsford (MI)
David B. Bowman (PA)
Nathan J. Bute (IN)
Ricky D. Cain (NM)
Toby L. Carson (TN)
Robert M. Cassell, Jr. (NC)
Robert A. Casson (KY)
Joseph Colecchi (PA)
David E. Crane (OH)

Anthony C. Curtis (WA)
Terry L. Daneau (NH)
Terry J. Dare (IN)
Stephen R. Daugherty (IN)
Joseph A. Dean (AR)
Tracy A. Doty (TN)
Glenn E. Dowell (IN)
Donald D. Dunphy (VA)
Jerald O. Edwards (ID)
Paul E. Emmons (RI)
David L. Erickson (SD)
Breck L. Falcon (LA)
Juneau Faulkner (GA)
Anton Filic (TX)
John D. Fortino (NY)
James P. Gapinski (MN)
Jerry D. Gartman (TX)
Eric M. Giddens, Sr. (DE)
Richard G. Gruber (SC)
Matthew J. Hahn (PA)
John R. Harper (KS)
Dennis K. Harris (GA)
Jerome A. Henderson (VA)
Andrew F. Hill (TX)
Charlie E. Hoggard (TX)
William D. Holt (AZ)
Paul W. Hunter (AL)
Richard S. Huzzard (PA)
Leon E. Jackson (GA)
Francisco J. Jimenez (TX)
William D. Johnson (OK)
Jason P. Jones (IN)
Christopher J. Kane (VT)
Lester H. Killingsworth (TX)
Scott A. Lambertson (MN)
Leslie A. Landschoot (NY)
Robert T. Lantry (MA)
Gerald D. Larson (WI)
Gene A. Lesher, Jr. (WV)
Phillip L. Mangen (OH)
Darrel R. Martin (MD)
Michael E. McAfee (KY)
Kenton D. McCullough (VA)
Anthony R. Melton (SC)
Clarence M. Miles (OK)
Anthony Miller (OH)
Steven M. Montalbo (CA)
John W. Montgomery (MA)
Jay C. Naccarato (WA)
James P. O'Berry (GA)
William K. Otwell (LA)
Michael J. Paul (LA)
Huber N. Pena Ortega (CO)
Harlie C. Perryman (FL)
Larry B. Peterson (AR)
James R. Petre (MD)
Dennis W. Pevey (GA)
Daniel A. Rau (NJ)
Donald G. Reed (FL)
Menno H. Reiff (PA)
Alvaro F. Rodriguez (TX)
Vincent Rubino (NJ)
Andrew H. Rusk (IL)
Ronald P. Schoborg (AR)
Richie J. Schwendy (IL)
John M. Sexton (CA)
Phillip Shelburne (TX)
Sammie Soles, Jr. (MI)
Randy G. Spilman (OH)
David A. Stinelli (PA)
Nelson J. Stokke (CA)
Paul C. Swanson (IL)
Thomas R. Test (VA)
Steven L. Tiefenthaler (IA)
Gordon F. Ulm (OH)
Dennis M. Varga (OH)
Russell E. Ward (NH)
Keith Washington (IL)
Robert A. Wegner (MN)
Donald L. Weston (PA)
Wayne A. Whitehead (NY)
Mark B. Wilmer (VA)
Thomas W. Workman (IL)
Henry P. Wurtz (SD)
Kevin D. Zaloudek (VT)
Larry K. Zielinski (OR)

The drivers were included in docket numbers FMCSA–1999–5748; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2008–0106; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0082; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0142; FMCSA–2012–0104; FMCSA–2012–0215; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2014–0006; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2016–0028; FMCSA–2016–0206; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016. Their exemptions are applicable as of June 4, 2019, and will expire on June 4, 2021.

As of June 6, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 20376; 78 FR 34141; 80 FR 26139; 80 FR 29149; 80 FR 48409; 82 FR 20962; 82 FR 22379; 82 FR 37499):

Glenn Blanton (OH)
David A. Buchanan (SC)
Matthew J. Buersken (MN)
Brian E. Burrows (TX)
Gary G. Colby (UT)
Stephen M. Cook (PA)
Jeremy L. Fricke (ND)
Jayme L. Gilbert (NY)
Jonathen M. Gilligan (NY)
Michael S. Higham (IL)
Lloyd M. Hoover (PA)
Robert W. Kleve (IA)
Damian Klyza (NJ)
John J. Lackey (CA)
Anthony Lang (NH)
Jason C. Laub (OH)
Edward J. Lavin (CT)
Collin C. Longacre (PA)
Luther A. McKinney (VA)
Raymond W. Meier (WA)
Enes Milanovic (MI)
John R. Miller (PA)
David G. Neff (KY)
Stuart W. Penner (KS)
Michael L. Penrod (IA)
Donie L. Rhoads (MT)
Michael J. Tauriac, Jr. (LA)
Anthony J. Thornburg (MI)
Don S. Williams (AL)

The drivers were included in docket numbers FMCSA–2013–0025; FMCSA–2015–0048; FMCSA–2017–0017. Their exemptions are applicable as of June 6, 2019, and will expire on June 6, 2021.

As of June 12, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (74 FR 19267; 74 FR 28094; 76 FR 32016; 78 FR 32703; 80 FR 25768; 82 FR 37499):

Michael D. Abel (NE)
Paul M. Christina (PA)
Johnny K. Hiatt (NC)
George M. Nelson (OH)
Christopher A. Weidner (CT)
Paul A. Wolfe (OH)

The drivers were included in docket number FMCSA–2009–0086. Their exemptions are applicable as of June 12, 2019, and will expire on June 12, 2021.

As of June 13, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (72 FR 21313; 72 FR 32703; 74 FR 23472; 76 FR 32017; 78 FR 32708; 80 FR 29154; 82 FR 37499):

Roosevelt Bell, Jr. (NC)
David K. Boswell (TN)
Michael S. Crawford (IL)
Rex A. Dyer (VT)
Patrick J. Goebel (IA)
Kenneth C. Reeves (OR)
Thomas E. Summers, Sr. (OH)

The drivers were included in docket number FMCSA–2007–27515. Their exemptions are applicable as of June 13, 2019, and will expire on June 13, 2021.

As of June 20, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for

obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (72 FR 21313; 72 FR 32703; 74 FR 23472; 76 FR 32017; 78 FR 16912; 78 FR 22598; 78 FR 29431; 78 FR 32708; 78 FR 37274; 80 FR 31635; 82 FR 37499):

Darryl W. Hardy (AL)
Terry L. Lipscomb (AL)
Dustin N. Sullivan (MD)

The drivers were included in docket numbers FMCSA–2007–27515; FMCSA–2013–0024; FMCSA–2013–0026. Their exemptions are applicable as of June 20, 2019, and will expire on June 20, 2021.

As of June 26, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 45817; 65 FR 57230; 65 FR 77066; 66 FR 17743; 66 FR 17994; 66 FR 33990; 67 FR 57266; 68 FR 35772; 70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 70 FR 33937; 72 FR 12666; 72 FR 25831; 72 FR 32705; 74 FR 15586; 74 FR 26464; 76 FR 21796; 76 FR 34135; 78 FR 34140; 80 FR 33009; 82 FR 37499):

Johnny A. Beutler (SD)
Brett L. Condon (MD)
Christopher A. Deadman (MI)
Daryl A. Jester (DE)
James P. Jones (ME)
Clyde H. Kitzan (ND)
Larry J. Lang (MI)
William A. Moore, Jr. (NV)
Richard S. Rehbein (MN)
David E. Sanders (NC)
David B. Speller (MN)
Lynn D. Veach (IA)
Harry S. Warren (FL)

The drivers were included in docket numbers FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2001–9258; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2007–27333. Their exemptions are applicable as of June 26, 2019, and will expire on June 26, 2021.

As of June 27, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (82 FR 24430; 82 FR 35050):

Wade J. Jandreau (ME)
Thomas M. Leonard (PA)
Daniel L. Troop (MI)
Jeffrey Waterbury (NY)

The drivers were included in docket number FMCSA–2017–0018. Their exemptions are applicable as of June 27, 2019, and will expire on June 27, 2021.

As of June 28, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 25766; 76 FR 37885; 78 FR 37270; 80 FR 31640; 82 FR 37499):

Jan M. Bernath (OH)
Joseph L. Butler (IN)
Shawn Carroll (OK)
Mark T. Gileau (CT)
Peter D. Gouge (IA)
Alan D. Harberts (IA)
Wendell S. Sehen (OH)
Gary E. Valentine (OH)
Kevin W. Van Arsdol (CO)
Charles Van Dyke (WI)

The drivers were included in docket number FMCSA–2011–0092. Their exemptions are applicable as of June 28, 2019, and will expire on June 28, 2021.

As of June 30, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 72 FR 27624; 72 FR 34062; 74 FR 26471; 76 FR 34133; 78 FR 57677; 80 FR 31962; 82 FR 37499):

Edmund J. Barron (PA)
Roger K. Cox (NJ)

The drivers were included in docket numbers FMCSA–2005–20027; FMCSA–2005–20560. Their exemptions are applicable as of June 30, 2019, and will expire on June 30, 2021.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: July 26, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–16644 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0381; FMCSA–2014–0382]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for four individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on July 12, 2019. The exemptions expire on July 12, 2021. Comments must be received on or before September 4, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0381 or FMCSA–2014–0382 (as applicable) using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical

Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0381 or FMCSA–2014–0382), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0381 or FMCSA–2014–0382 in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0381 or FMCSA–2014–0382 in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, 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.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The four individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the four applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The four drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of July 12, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Prince Austin, Jr. (OH)

Frank Cekovic (PA)

Martin Ford (MS)

Michael Weymouth (NH)

The drivers were included in docket number FMCSA–2008–0355; FMCSA–2011–0089; FMCSA–2014–0381 or FMCSA–2014–0382. Their exemptions are applicable as of July 12, 2019, and will expire on July 12, 2021.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based on its evaluation of the four exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: July 26, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–16648 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0019; FMCSA–2017–0020]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 126 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before September 4, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0019; or FMCSA–2017–0020 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–

0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0019; or FMCSA–2017–0020), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0019; or FMCSA–2017–0020, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2001–9258; FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016; FMCSA–2017–0019; or FMCSA–2017–0020, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, 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.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds that such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 126 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than five years from its approval date and may be renewed upon application. FMCSA grants exemptions from the vision standard for a two-year period to align with the maximum duration of a driver's medical certification. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 126 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 66 FR 17743; 66 FR 30502; 66 FR 33990; 66 FR 41654; 67 FR 15662; 67 FR 37907; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570; 68 FR 35772;

68 FR 37197; 68 FR 44837; 68 FR 48989; 69 FR 26206; 70 FR 7545; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 30999; 70 FR 33937; 70 FR 41811; 70 FR 42615; 70 FR 46567; 71 FR 26601; 71 FR 26602; 72 FR 7812; 72 FR 8417; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 32705; 72 FR 36099; 72 FR 39879; 72 FR 40359; 72 FR 40360; 72 FR 40362; 72 FR 52419; 73 FR 27017; 73 FR 36955; 74 FR 11988; 74 FR 15586; 74 FR 19267; 74 FR 19270; 74 FR 20253; 74 FR 21427; 74 FR 23472; 74 FR 26461; 74 FR 26464; 74 FR 26466; 74 FR 28094; 74 FR 34074; 74 FR 34395; 74 FR 34630; 74 FR 34632; 75 FR 27621; 75 FR 36779; 75 FR 66423; 75 FR 72863; 76 FR 2190; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 21796; 76 FR 25762; 76 FR 28125; 76 FR 29022; 76 FR 29026; 76 FR 32016; 76 FR 32017; 76 FR 37168; 76 FR 37169; 76 FR 37173; 76 FR 40445; 76 FR 44082; 76 FR 44652; 76 FR 44653; 76 FR 49531; 76 FR 50318; 76 FR 53710; 77 FR 27849; 77 FR 38384; 77 FR 74273; 78 FR 12815; 78 FR 14410; 78 FR 18667; 78 FR 20376; 78 FR 22596; 78 FR 22602; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 32703; 78 FR 32708; 78 FR 34141; 78 FR 34143; 78 FR 41188; 78 FR 46407; 78 FR 51268; 78 FR 51269; 78 FR 52602; 78 FR 56993; 78 FR 57679; 79 FR 4531; 79 FR 35212; 79 FR 35218; 79 FR 47175; 79 FR 51643; 79 FR 64001; 79 FR 73687; 80 FR 12248; 80 FR 14223; 80 FR 16500; 80 FR 16502; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 25768; 80 FR 26320; 80 FR 29149; 80 FR 29152; 80 FR 29154; 80 FR 31635; 80 FR 31636; 80 FR 31957; 80 FR 33007; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 37718; 80 FR 40122; 80 FR 41547; 80 FR 41548; 80 FR 44185; 80 FR 44188; 80 FR 45573; 80 FR 48404; 80 FR 48413; 80 FR 62161; 80 FR 62163; 81 FR 59266; 81 FR 70248; 81 FR 74494; 81 FR 80161; 81 FR 86063; 81 FR 90046; 81 FR 91239; 82 FR 12678; 82 FR 12683; 82 FR 13045; 82 FR 13048; 82 FR 15277; 82 FR 17736; 82 FR 18949; 82 FR 18954; 82 FR 18956; 82 FR 26224; 82 FR 28734; 82 FR 32919; 82 FR 33542; 82 FR 34564; 82 FR 35043; 82 FR 37499; 82 FR 47296). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of August and are discussed below. As of August 8, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 65 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 30502; 66 FR 41654; 67 FR 15662; 67 FR 37907; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570; 68 FR 44837; 69 FR 26206; 70 FR 7545; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 71 FR 26601; 71 FR 26602; 72 FR 7812; 72 FR 8417; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 73 FR 27017; 73 FR 36955; 74 FR 11988; 74 FR 15586; 74 FR 19267; 74 FR 19270; 74 FR 20253; 74 FR 21427; 74 FR 23472; 74 FR 26461; 74 FR 26466; 74 FR 28094; 74 FR 34395; 74 FR 34630; 75 FR 27621; 75 FR 36779; 75 FR 66423; 75 FR 72863; 76 FR 2190; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 21796; 76 FR 25762; 76 FR 28125; 76 FR 29022; 76 FR 29026; 76 FR 32016; 76 FR 32017; 76 FR 37168; 76 FR 37173; 76 FR 44082; 76 FR 44652; 77 FR 27849; 77 FR 38384; 77 FR 74273; 78 FR 12815; 78 FR 14410; 78 FR 18667; 78 FR 20376; 78 FR 22596; 78 FR 22602; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 32703; 78 FR 32708; 78 FR 34141; 78 FR 41188; 78 FR 46407; 78 FR 51268; 78 FR 51269; 78 FR 56993; 78 FR 57679; 79 FR 35212; 79 FR 35218; 79 FR 47175; 79 FR 51643; 79 FR 64001; 79 FR 73687; 80 FR 12248; 80 FR 14223; 80 FR 16500; 80 FR 16502; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 25768; 80 FR 26320; 80 FR 29149; 80 FR 29152; 80 FR 29154; 80 FR 31635; 80 FR 31636; 80 FR 31957; 80 FR 33007; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 37718; 80 FR 45573; 80 FR 48404; 80 FR 48413; 81 FR 59266; 81 FR 70248; 81 FR 74494; 81 FR 80161; 81 FR 86063; 81 FR 90046; 81 FR 91239; 82 FR 12678; 82 FR 12683; 82 FR 13045; 82 FR 13048; 82 FR 15277; 82 FR 17736; 82 FR 18949; 82 FR 18954; 82 FR 18956; 82 FR 26224; 82 FR 28734; 82 FR 32919; 82 FR 33542; 82 FR 37499):

Joshua A. Akshar (NY)
Dakota A. Albrecht (MN)
James C. Barr (OH)
Russell A. Bolduc (CT)
Steven R. Brinegar (TX)
Ryan L. Brown (IL)
Bernabe V. Cerda (TX)
Don A. Clymer (PA)
Dennis W. Cosens (NM)
William T. Costie (NY)
Paul W. Dawson (CO)
Everett A. Doty (AZ)
Timothy H. DuBois (MN)
Eric Esplin (UT)
Raymond C. Favreau (VT)
Kevin M. Finn (NY)
William B. Friend (MD)
Greg E. Gage (IA)
Odus P. Gautney (TX)
Dale R. Goodell (SD)
Edward J. Grant (IL)
Ramon L. Green (LA)
Jose J. Guzman-Olguin (IL)
Johnnie L. Hall (MD)
Gary D. Hallman (AL)
Daniel L. Holman (UT)
Tommy T. Hudson (VA)
David A. Inman (IN)
Joseph M. Jones (ID)
Harry L. Jones (OH)
James J. Keranen (MI)
Cody A. Keys (OK)
David J. Kibble (PA)
Thomas Korycki (NJ)
Larry G. Kreke (IL)
Michael Lafferty (ID)
Ryan P. Lambert (UT)
David C. Leoffler (CO)
Emanuel N. Malone (VA)
James McClure (NC)
Steven J. McLain (TN)
Zagar E. Melvin (NJ)
Daniel R. Murphy (WI)
Travis W. Neiwert (ID)
Armando F. Pederoso Jimenez (MN)
Donald W. Randall (OR)
Scott K. Richardson (OH)
Elvis E. Rogers, Jr. (TX)
Leo D. Roy (NH)
Antonio Sanchez (NJ)
Jose C. Sanchez-Sanchez (WY)
Tim M. Seavy (IN)
Raymond Sherrill (PA)
Kyle C. Shover (NJ)
Rick J. Smart (NH)
Bill J. Thierolf (NE)
Steven L. Thomas (IN)
David R. Thomas (AL)
Eric M. Turton (NY)
Roy J. Ware (GA)
Marcus R. Watkins (TX)
Paul C. Weiss (PA)
Daniel A. Wescott (CO)
James Whiteway (TX)
Edward A. Ziehlke (WI)

The drivers were included in docket numbers FMCSA–2001–9561; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2006–26653; FMCSA–2007–2663; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2007–27897; FMCSA–2008–0106; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2010–

0354; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0102; FMCSA–2013–0022; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0006; FMCSA–2014–0010; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0033; FMCSA–2016–0207; FMCSA–2016–0212; FMCSA–2016–0214; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0016. Their exemptions are applicable as of August 8, 2019, and will expire on August 8, 2021.

As of August 10, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 17743; 66 FR 33990; 68 FR 35772; 70 FR 30999; 70 FR 33937; 70 FR 46567; 72 FR 32705; 72 FR 40359; 74 FR 26464; 74 FR 34074; 76 FR 44653; 79 FR 4531; 80 FR 41547; 82 FR 32919): Donald M. Jenson (SD); Dennis D. Lesperance (OR); and Carl V. Murphy, Jr. (TX)

The drivers were included in docket numbers FMCSA–2001–9258; FMCSA–2005–21254. Their exemptions are applicable as of August 10, 2019, and will expire on August 10, 2021.

As of August 12, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 37169; 76 FR 50318; 79 FR 4531; 80 FR 41548; 82 FR 32919):

Danny F. Burnley (KY)
Sean R. Conorman (MI)
Robert E. Graves (NE)
Terrence F. Ryan (FL)

The drivers were included in docket number FMCSA–2011–0140. Their exemptions are applicable as of August 12, 2019, and will expire on August 12, 2021.

As of August 13, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 40122; 80 FR 62163; 82 FR 32919):

William D. Cherry (MA)
Pedro Del Bosque (TX)
Anthony C. DeNaples (PA)
Edward Dugue III (NC)
Larry R. Hayes (KS)
Wayne E. Jakob (IL)
Earney J. Knox (MO)
James Smentkowski (NJ)
Neil G. Sturges (NY)
Norman G. Wooten (TX)
Kurt A. Yoder (OH)

The drivers were included in docket number FMCSA–2015–0053. Their exemptions are applicable as of August 13, 2019, and will expire on August 13, 2021.

As of August 15, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 30502; 66 FR 41654; 68 FR 37197; 68 FR 44837; 68 FR 48989; 70 FR 41811; 70 FR 42615; 72 FR 40360; 74 FR 34632; 76 FR 49531; 79 FR 4531; 80 FR 44185; 82 FR 32919):

Steven P. Holden (MD)
Christopher G. Jarvela (MI)
Brad L. Mathna (PA)
Vincent P. Miller (CA)
Warren J. Nyland (MI)
Wesley E. Turner (TX)
Mona J. Van Krieken (OR)
Paul S. Yocum (IN)

The drivers were included in docket numbers FMCSA–2001–9561; FMCSA–2003–15268. Their exemptions are applicable as of August 15, 2019, and will expire on August 15, 2021.

As of August 23, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 34143; 78 FR 52602; 82 FR 32919):

Twila G. Cole (OR)
Brian D. Dowd (MA)
Randy L. Fales (MN)
Marc C. Grooms (MO)
Craig M. Mahaffey (OH)
Rickey H. Reeder (TN)
Michael L. Sherum (AL)
Dale A. Torkelson (WI)
Desmond Waldor (PA)

The drivers were included in docket number FMCSA–2013–0029. Their exemptions are applicable as of August 23, 2019, and will expire on August 23, 2021.

As of August 25, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 44188; 80 FR 62161; 82 FR 32919; 82 FR 34564; 82 FR 47296):

Harold D. Albrecht (IL)
Robert F. Anneheim (NC)
Ray C. Atkinson (TN)
Joseph W. Bahr (NJ)
Stephen C. Brueggeman (KY)
Robert J. Falanga (FL)
Refugio Haro (IL)
Kevin L. Harrison (TN)
Duane S. Lozinski (IA)
Keith W. McNabb (ID)
Ronald W. Neujahr (KS)
Robert E. Richards (ME)
Thomas E. Riley (NJ)
James R. Robinette (VA)
Rick R. Warner (MI)
Theodore A. White (PA)

The drivers were included in docket numbers FMCSA–2015–0055; FMCSA–2017–0020. Their exemptions are applicable as of August 25, 2019, and will expire on August 25, 2021.

As of August 29, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 40445; 76 FR 53710; 79 FR 4531; 82 FR 32919; 82 FR 35043):

Thomas A. Barber (NC)
Patrick J. Conner (OK)
Jay D. Diebel (MI)
Danny G. Goodman (TX)
Randy N. Grandfield (VT)
James Howard (CA)
Edgar A. Ideler (IL)
Ramon Melendez (NJ)
John J. Tilton (NH)
Randy D. VanScoy (IA)

The drivers were included in docket numbers FMCSA–2011–0141; FMCSA–2017–0019. Their exemptions are applicable as of August 29, 2019, and will expire on August 29, 2021.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized

Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 126 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: July 26, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–16638 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0012]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 124 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov*. Insert the docket number, FMCSA–2019–0012, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, 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*.

II. Background

FMCSA received applications from 124 individuals who requested an exemption from the vision standard in the FMCSRs. FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10). Therefore, the 124 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following four applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

Kristopher K. Clements (ID)
David J. Freund (IA)
David F. Kirby (IN)
Thomas R. Muller (NY)

The following 42 applicants had no experience operating a CMV:

Mahboob Ahmed (CA)
Kadhim N. Al-Hisnawi (WA)
Yesid Archila (NC)
Timothy K. Atchison (MD)
Christian B. T. Baker (FL)
Michael J. Baragona (NY)
David G. Beistel (PA)
Kelvin Brown (DC)
Robert A. Burbank (AL)
Rico J. Butler (IL)
Daniel E. Caldwell (KY)
Diego Carrillo (NJ)
Raynordor J. Clemons (AL)
Jehu Collins (NC)
Kit A. Collman (TX)
Tavanlis L. Cue (SC)
William A. Delaney (CO)
Kevin A. DeMarco (PA)
Johnny J. Domingue (LA)
Travis R. Faust (WI)
Alfonso Franco (CA)
Pavel G. Fursov (IA)
Paul M. Hanson (MO)
Juan C. Iberra (IL)
David W. Ivinson (MO)
Zina R. Lockhart (IL)
Spencer C. Long (AL)
Zachary T. Louden (KY)
Francisco E. Loza Espinoza (TX)
Musse H. Mohamed (MN)
Charles T. Mudd (KY)
Christopher D. Rader (TN)
Alex M. Rodriguez (NY)
Marquitta L. Rowser (GA)
Jeffrey A. Rujawitz (MO)
Michael R. Schmidt (PA)
Miguel A. Solis Delgado (TX)
Robyn M. Sowash (MO)
Joseph L. Vespertino (NY)

Joshua J. Vrenna (NY)
Linda K. Williams (KS)
Bobby Williams-Boleyn (CA)

The following 20 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies.

Paul M. Bollinger (AR)
William E. Cherubini (PA)
Karl C. Christenson (MN)
Paul Clauer (WI)
Jason X. Colon-Santiago (PA)
Richard E. Freeman (MO)
Lorie Furno (TX)
Leslie J. Hall (MT)
David H. Helstein (VT)
Rodney M. Kiehm (CA)
Rhett L. Lomax (KS)
Tracy L. McKeag (IL)
Darrell M. Monti (CA)
Richard L. Nelson (MN)
Clinton S. Oller (IL)
George W. Parrish (OR)
Jason C. Stubbe (MN)
John D. Thompson (AR)
Johnathan D. Williams (MD)
George D. Young (LA)

The following 11 applicants did not have three years of recent experience driving a CMV on public highways with their vision deficiencies

Roy L. Alexander (AL)
Antonio A. Armijo (NM)
Matthew A. Edmonds (OH)
Gregory D. Hood (GA)
Joseph W. Martin (PA)
John R. Ogno (NJ)
Stuart A. Osborne (VA)
Thomas E. Oswald (PA)
Richard A. Pearce (OH)
James E. Robinson (GA)
Gary L. Smith (AR)

The following 14 applicants did not have sufficient driving experience over the past three years under normal highway operating conditions (gaps in driving record)

Isaac Brown (FL)
Donald Carrillo (NM)
Steven M. Claney (IA)
James W. Dennis (KS)
Jeffery S. Henderson (TX)
Rickey W. Hubbard (AL)
Larry N. Ingerson (NV)
Edward A. Iverson (ND)
Eugene F. Napieralski (MN)
Louis L. Peregrina (NM)
Faron D. Seaman (TX)
John G. Sitzmann (IA)
Fletcher J. Stockwell (WI)
David W. Vaccaro (MN)

The following two applicants were charged with moving violations in conjunction with CMV accidents:

Victor H. Lopez-Campa (KS); and Albert M. Randle (TX)

The following applicant, Rodney D. Williams (IN), does not have sufficient peripheral vision in the better eye.

The following applicant, Albert L. Bowen (AR), did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint.

The following 19 applicants were denied for multiple reasons:

Logan A. Ambuski (NY)
Paul B. Conway (NC)
Daryl R. Cupp (FL)
Gabriel A. Deeb (TX)
William F. Furr (NC)
Jose R. Gutierrez (NV)
Bryan M. Hinds (WA)
Sefik Kladanjcic (CT)
James R. Long (FL)
Stacey D. Mason (OH)
Gary G. Medeiros (ID)
Douglas M. Proffitt (IA)
Rickie C. Purnell (NC)
Derrick A. Robinson (AL)
Rodney C. Sall (NE)
Joshua D. Vance (IN)
Michael M. Warzeha (MN)
Robert W. Wilkins (PA)
Michael S. Williams (VA)

The following eight applicants have not had stable vision for the preceding three-year period:

David A. Behrens (IA)
Michael E. Fobian (NJ)
Holland P. McLaughlin (NY)
Robert E. Nichols (NV)
Robert D. Owen (LA)
Gerald Thurman (ID)
Timothy M. Wagner (PA)
Steve D. Wooten (NC)

The following two applicants drove interstate while restricted to intrastate driving:

Jeffrey Skaggs (OK); and Eddie G. Thornton (GA)

Issued on: July 26, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–16645 Filed 8–2–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On July 25, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. SAAB MORAN, Alex Nain (a.k.a. SAAB MORAN, Alex (Latin: SAAB MORÁN, Alex); a.k.a. SAAB, Alex); DOB 21 Dec 1971; Gender Male; Cedula No. 72180017 (Colombia); Passport PE085897 (Colombia); alt. Passport 085635076 (Venezuela); alt. Passport D010302 (Antigua and Barbuda) (individual) [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of Executive Order 13850 of November 1, 2018, ''Blocking Property of Additional Persons Contributing to the Situation in Venezuela'' (E.O. 13850), as amended by Executive Order 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela,'' (E.O. 13857) for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

Also designated pursuant to section 1(a)(i) of E.O. 13850, as amended by

E.O. 13857, for operating in the gold sector of the Venezuelan economy.

2. SAAB CERTAIN, Isham Ali; DOB 14 Apr 1999; POB Barranquilla, Colombia; citizen Colombia; Gender Male; Passport AS005095 (Colombia); National ID No. 99041408126 (Colombia) (individual) [VENEZUELA–EO13850] (Linked To: SAAB MORAN, Alex Nain).

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

3. SAAB CERTAIN, Shadi Nain (a.k.a. SAAB, Shadi; a.k.a. SAAB, Shadi Nain); DOB 25 Apr 1996; POB Barranquilla, Colombia; citizen Colombia; Gender Male; Passport PE097209 (Colombia); National ID No. 1045738303 (Colombia) (individual) [VENEZUELA–EO13850] (Linked To: SAAB MORAN, Alex Nain).

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

4. PULIDO VARGAS, Alvaro Enrique (a.k.a. PULIDO VARGAS, Alvaro (Latin: PULIDO VARGAS, Álvaro); a.k.a. RUBIO SALAS, German Enrique); DOB 10 Dec 1963; citizen Colombia; Gender Male; Cedula No. 79324956 (Colombia) (individual) [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

5. RUBIO GONZALEZ, Emmanuel Enrique (a.k.a. RUBIO-GONZALEZ, Emmanuel Enrique); DOB 06 Jan 1989; POB Bogota, Colombia; nationality Colombia; Gender Male; Cedula No. 21807689; Passport AM807340 (Colombia); alt. Passport PE139553 (Colombia); alt. Passport 087105100 (Venezuela); National ID No. 1015410162 (Colombia) (individual) [VENEZUELA–EO13850] (Linked To: PULIDO VARGAS, Alvaro Enrique).

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

6. GAVIDIA FLORES, Yoswal Alexander, Caracas, Capital District, Venezuela; DOB 06 Aug 1990; citizen Venezuela; Gender Male; Cedula No. 19733466 (Venezuela); Passport 134559177 (Venezuela) expires 11 May 2021 (individual) [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

7. GAVIDIA FLORES, Walter Jacob (a.k.a. GAVIDIA-FLORES, Walter), Caracas, Capital District, Venezuela; DOB 15 Dec 1978; citizen Venezuela; Gender Male; Cedula No. 14407259 (Venezuela); Passport 113561269 (Venezuela) expires 28 Jan 2020 (individual) [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

8. GAVIDIA FLORES, Yosser Daniel (a.k.a. GAVIDIA-FLORES, Yosser), Caracas, Capital District, Venezuela; DOB 11 Oct 1988; citizen Venezuela; Gender Male; Cedula No. 18815328 (Venezuela); Passport 135713284 (Venezuela) expires 31 May 2021 (individual) [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

9. STAUDINGER LEMOINE, Mariana Andrea, Caracas, Capital District, Venezuela; DOB 23 Apr 1990; citizen Venezuela; Gender Female; Cedula No. 19195336 (Venezuela) (individual) [VENEZUELA–EO13850] (Linked To: GAVIDIA FLORES, Yosser Daniel).

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

10. VIELMA MORA, Jose Gregorio, Caracas, Capital District, Venezuela; DOB 26 Oct 1964; Gender Male; Cedula No. 6206038 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13692 of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela,'' as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

Entities

1. ASASI FOOD FZE (a.k.a. ASASI FOODS FZC), Rakeem Building, Ras Al Khaimah Economic Zone, Ras-Al-Khaimah, United Arab Emirates; P.O. Box 40803, Ras-Al-Khaimah, United Arab Emirates; P.O. Box 0843–01732, Panama [VENEZUELA–EO13850] (Linked To: SAAB MORAN, Alex Nain).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAAB MORAN, Alex Nain, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

2. GROUP GRAND LIMITED (a.k.a. GROUP GRAND LIMITED GENERAL TRADING; a.k.a. GROUP GRAND LTD.), Room C, 25/F Cheuk Nang Plaza, 250 Hennessy Road, Wan Chai, Hong Kong; Registration Number 1871367 (Hong Kong) [VENEZUELA–EO13850] (Linked To: SAAB MORAN, Alex Nain).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by

E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAAB MORAN, Alex Nain, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

3. GROUP GRAND LIMITED GENERAL TRADING, Dubai, United Arab Emirates [VENEZUELA–EO13850] (Linked To: SAAB MORAN, Alex Nain).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAAB MORAN, Alex Nain, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

4. SILVER BAY PARTNERS FZE, Manara Industrial Zone, Ras Al Khaimah Economic Zone, Ras Al Khaimah, United Arab Emirates; Flexi Office, Business Center, Rakez Business Zone, Ras Al Khaimah, United Arab Emirates [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

5. C I FONDO GLOBAL DE ALIMENTOS LTDA, Calle 128 B 78 90, Bogota, DC 1103, Colombia; NIT # 9002234401 (Colombia) [VENEZUELA–EO13850] (Linked To: RUBIO GONZALEZ, Emmanuel Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RUBIO GONZALEZ, Emmanuel Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

6. EMMR & CIA. S.A.S. (a.k.a. EMMR AND CIA. S.A.S.; a.k.a. EMMR Y CIA. S.A.S.; a.k.a. EMMR Y COMPANIA S A S), Calle 79 42 318, Barranquilla, Atlantico, Colombia; NIT # 9005964804 (Colombia) [VENEZUELA–EO13850] (Linked To: RUBIO GONZALEZ, Emmanuel Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RUBIO GONZALEZ, Emmanuel Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

7. GLOBAL STRUCTURE, S.A., Panama City, Panama; Folio Mercantil No. 844394 (Panama) [VENEZUELA–EO13850] (Linked To: RUBIO GONZALEZ, Emmanuel Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RUBIO GONZALEZ, Emmanuel Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

8. GROUP GRAND LIMITED, S.A. DE C.V. (a.k.a. GROUP GRAND LIMITED), Mexico City, Mexico; Folio Mercantil No. N–2017034206 (Mexico) [VENEZUELA–EO13850] (Linked To: RUBIO GONZALEZ, Emmanuel Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RUBIO GONZALEZ, Emmanuel Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

9. MULTITEX INTERNATIONAL TRADING, S.A., Panama City, Panama; Folio Mercantil No. 844396 (Panama) [VENEZUELA–EO13850] (Linked To: RUBIO GONZALEZ, Emmanuel Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RUBIO GONZALEZ, Emmanuel Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

10. MULBERRY PROJE YATIRIM ANONIM SIRKETI (a.k.a. MULBERRY PROJE YATIRIM; a.k.a. MULBERRY PROJE YATIRIM A.S.), Istanbul, Turkey; Cihannuma Mah. Dortyuzlucesme Sk. Gunes, Apt. 2/6, Besiktas, Istanbul, Turkey [VENEZUELA–EO13850].

Designated pursuant to section 1(a)(ii) of E.O. 13850, as amended by E.O. 13857, for being responsible for or complicit in, or having directly or indirectly engaged in, any transaction or series of transactions involving deceptive practices or corruption and the Government of Venezuela or projects or programs administered by the Government of Venezuela, or for being an immediate adult family member of such a person.

11. SEAFIRE FOUNDATION, Panama City, Panama; Identification Number 56437 (Panama) [VENEZUELA–EO13850] (Linked To: SAAB MORAN, Alex Nain).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAAB MORAN, Alex Nain, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

12. SUN PROPERTIES LLC, DE, United States; 801 South Miami Ave, Unit PH5803, Miami, FL, United States; File Number 6096108 (United States) [VENEZUELA–EO13850] (Linked To: RUBIO GONZALEZ, Emmanuel Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RUBIO GONZALEZ, Emmanuel Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

13. CLIO MANAGEMENT CORP., Panama; Folio Mercantil No. 724213 (Panama) [VENEZUELA–EO13850] (Linked To: PULIDO VARGAS, Alvaro Enrique).

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, PULIDO VARGAS, Alvaro Enrique, a person whose property and interests in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857.

Dated: July 31, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–16646 Filed 8–2–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–NEC; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments; correction.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1099–NEC, Nonemployee Compensation. This notice was previously published with an erroneous phone number. That phone number is corrected in the **FOR FURTHER INFORMATION CONTACT** paragraph.

DATES: Written comments should be received on or before October 4, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Dionne McLeod, at (267) 941–6267, Internal Revenue Service, Room 3256, 600 Arch Street, Philadelphia, PA 19106. or through the internet at *Dionne.a.McLeod@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Nonemployee Compensation.

OMB Number: 1545–0116.

Form Number: 1099–NEC.

Abstract: Form 1099–NEC is used to report payments made in the course of a trade or business for services performed by someone who is not an employee, cash payments for fish and withholding of federal income tax under the backup withholding rules.

Current Actions: The PATH Act accelerated the due date for filing of Form 1099 that include nonemployee compensation (NEC) from February 28 to January 31, and eliminated the automatic 30-day extension for forms that include NEC. Continuing to include NEC on Form 1099–MISC will increase the submission burden on taxpayers because they will have to separate those forms with NEC from those without. It also requires analysis of Forms 1099–MISC by the IRS to be able to determine the proper due date and apply late filing penalties appropriately. To alleviate the burden and eliminate confusion regarding due dates, IRS reinstated Form 1099–NEC. There will be a change in the paperwork burden previously approved by OMB.

Type of Review: Reinstatement of a previously approved information collection.

Affected Public: Individuals, business or other for-profit organizations, not for-profit institutions, farms and Federal, state, local or tribal governments.

Estimated Number of Respondents: 70,802,480.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 5,900,206.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 30, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–16604 Filed 8–2–19; 8:45 am]

BILLING CODE 4830–01–P

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Part II

The President

Presidential Determination No. 2019–14 of July 19, 2019—Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia
Memorandum of July 19, 2019—Delegation of Authority Under the Asia Reassurance Initiative Act of 2018

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Presidential Documents

Title 3—

The President

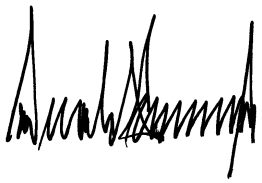
Presidential Determination No. 2019–14 of July 19, 2019

Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia

Memorandum for the Secretary of State [and] the Secretary of Defense

By the authority vested in me as President by the Constitution and laws of the United States, and pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Colombia, that: (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace is necessary, because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) Colombia has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which includes effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

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



THE WHITE HOUSE,
Washington, July 19, 2019

[FR Doc. 2019–16862
Filed 8–2–19; 11:15 am]
Billing code 4710–10–P

FEDERAL REGISTER

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Part III

The President

Executive Order 13883—Administration of Proliferation Sanctions and Amendment of Executive Order 12851

Federal Register
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Monday, August 5, 2019

Presidential Documents

Title 3—

The President

Executive Order 13883 of August 1, 2019

Administration of Proliferation Sanctions and Amendment of Executive Order 12851

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.*) (NEA), sections 305–308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act), Public Law 102–182 (50 U.S.C. App. 2410c; 22 U.S.C. 2798, 5604–5606), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, in order to take additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, as amended by and relied on for additional steps in subsequent Executive Orders, hereby order:

Section 1. (a) When the President, or the Secretary of State pursuant to authority delegated by the President and in accordance with the terms of such delegation, pursuant to section 307(b)(1) of the CBW Act, selects for imposition on a country one or more of the sanctions set forth below and in section 307(b)(2) of that Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions, when necessary, to implement such sanctions:

(i) oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions; and

(ii) prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(b) The prohibition in subsection (a)(ii) of this section applies 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 date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibition set forth in section 1(a)(ii) of this order is prohibited.

(b) Any conspiracy formed to violate the prohibition set forth in section 1(a)(ii) of this order is prohibited.

Sec. 3. Subsection (b) of section 1 of Executive Order 12851 of June 11, 1993 (Administration of Proliferation Sanctions, Middle East Arms Control, and Related Congressional Reporting Responsibilities), is amended by adding the following new paragraph 4 after paragraph 3:

''(4) The authorities and duties vested in me to oppose certain multilateral development bank assistance and to prohibit certain bank loans as provided in section 307(b)(2)(A)–(B), pursuant to a determination made by the Secretary of State under section 307(b)(1), are delegated to the Secretary of the Treasury.''

Sec. 4. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''government'' means a government, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, that government; and

(c) the term ''United States bank'' means any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches), or any entity in the United States, that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures, or options, or procuring purchasers and sellers thereof, as principal or agent.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by IEEPA and the CBW Act as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

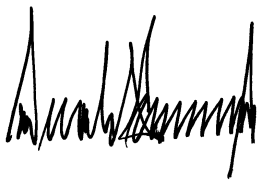
Sec. 6. (a) Nothing in this order shall be construed to impair or otherwise affect:

(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,
August 1, 2019.

[FR Doc. 2019–16879
Filed 8–2–19; 11:15 am]
Billing code 3295–F9–P

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