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

DEPARTMENT OF HOMELAND SECURITY

6 CFR Part 37

[Docket No. DHS–2006–0030]

RIN 1601–AA92

Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Deadline for No Longer Accepting Non-Compliant Driver's Licenses and Identification Cards for Official Purposes

AGENCY: Office of Strategy, Policy and Plans, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: This final rule amends the REAL ID regulation to clarify that the October 1, 2020, deadline by which Federal agencies may no longer accept non-compliant driver's licenses and identification cards for official purposes applies to all non-compliant cards, including state-issued driver's licenses and identification cards marked to indicate that they may not be used for official Federal purposes. This regulation is consistent with enforcement dates in previous DHS public statements, information posted on the DHS website, and communication with industry stakeholders.

DATES: Effective October 15, 2019.

FOR FURTHER INFORMATION CONTACT: Steve Yonkers, Director, Biometrics and Credentialing/REAL ID Program, Department of Homeland Security, Washington, DC 20528, telephone (202) 447–3274; email *Steve.Yonkers@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Document

You may obtain an electronic copy of the rule using the internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) web page at *http://www.regulations.gov;* or

(2) Accessing the Government Publishing Office's web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

I. Background

The REAL ID Act (the Act) sets minimum security requirements for the issuance and production of State and territory driver's licenses and identification cards in order for Federal agencies to accept these documents for official purposes.[1] Official purposes include: (1) Accessing Federal facilities; (2) boarding federally-regulated commercial aircraft; (3) entering nuclear power plants; and (4) any other purposes that the Secretary of Homeland Security shall determine.[2]

On January 29, 2008, DHS published a final rule implementing the Act's requirements.[3] The regulation includes both a State compliance deadline and a schedule describing when individuals must obtain a compliant driver's license or identification card in order to use that card for official purposes.[4] DHS refers to these two deadlines as ''state-based'' and ''card-based'' enforcement, respectively.[5]

For state-based enforcement, the regulation prohibits Federal agencies from accepting cards issued by States and territories that are not compliant with the REAL ID standards.[6] DHS incrementally enforced this regulatory deadline through a Phased Enforcement Schedule.[7] This phased schedule included initial enforcement at DHS headquarters, followed by Federal facilities and nuclear power plants.[8] The final phase of the enforcement schedule, applicable to individuals boarding federally-regulated commercial aircraft, began January 22, 2018.[9]

Card-based enforcement begins October 1, 2020, pursuant to the regulation.[10] On and after this date, Federal agencies are prohibited from accepting for official purposes a state or territory issued driver's license or identification card unless the card is compliant with the REAL ID Act and regulation.[11] This deadline applies to all cards used for official purposes under the REAL ID Act and regulation.[12]

II. Non-Compliant Cards—Enforcement Deadline

Under the REAL ID Act and regulation, once a State is REAL ID compliant, the State is permitted to continue issuing both compliant and non-compliant cards to residents.[13] The non-compliant cards, however, must be ''marked'' to clearly distinguish both on their face and in the card's machine readable zone that they are not acceptable by Federal agencies for official purposes.[14] DHS approved several variations of this non-compliant marking, including, '' Not For REAL ID Purposes,'' ''Not Valid for Federal Identification,'' ''Not Valid for Federal

[1] Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109–13, 119 Stat. 231, 302 (May 11, 2005) (codified at 49 U.S.C. 30301 note).

[2] *Id.*

[3] Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Final Rule, 73 FR 5272 (Jan. 29, 2008); codified at 6 CFR part 37 (2008 Final Rule). DHS subsequently issued four other Final Rules amending the regulation, including changes to compliance deadlines and state extension submission dates. *See* 74 FR 49308 (Sep. 28, 2009), 74 FR 68477 (Dec. 28, 2009) (Final Rule, stay), 76 FR 12269 (Mar. 7, 2011), 79 FR 77836 (Dec. 29, 2014). In addition to Final Rules, DHS also published an Information Collection Request in the **Federal Register** in 2016. *See* 81 FR 8736 (Feb. 22, 2016).

[4] *See id.* at §§ 37.5(b), 37.51(a). *See* 79 FR 77836 (Dec. 29, 2014).

[5] *See https://www.dhs.gov/federal-enforcement.*

[6] *See* 6 CFR 37.51(a).

[7] *See* DHS Releases Phased Enforcement Schedule for REAL ID, *available at https://www.dhs.gov/news/2013/12/20/dhs-releases-phased-enforcement-schedule-real-id.*

[8] *Id.*

[9] *See* Statement By Secretary Jeh C. Johnson on the Final Phase of REAL ID Act Implementation, *available at https://www.dhs.gov/news/2016/01/08/statement-secretary-jeh-c-johnson-final-phase-real-id-act-implementation.*

[10] 6 CFR 37.5(b).

[11] *Id.*

[12] *Id.* at § 37.3.

[13] REAL ID Act, sec. 202(d)(11); 6 CFR 37.5, 37.71.

[14] *Id.*

Official Purposes,'' ''Not Acceptable for Federal Purposes,'' ''Not for Federal Identification,'' and ''Federal Limits Apply.'' The non-compliant ''marked'' cards must also have a unique design or color that clearly distinguishes them from the State's REAL ID compliant driver's licenses and identification cards.[15]

The REAL ID regulation provides that beginning October 1, 2020, Federal agencies may only accept for official purposes State or territory-issued licenses and identification cards if those licenses and cards are REAL ID compliant.[16] Although the regulation also notes that Federal agencies will not accept non-compliant ''marked'' cards for official purposes, it does not reiterate the October 1, 2020, deadline.[17] This final rule clarifies that Federal agencies may no longer accept non-compliant marked cards beginning October 1, 2020.

Many REAL ID compliant states offer both compliant and non-compliant cards to their residents. Based on anecdotal information, DHS believes that a significant number of individuals are obtaining non-compliant ''marked'' cards instead of REAL ID compliant cards. Although non-compliant ''marked'' cards may be valid for some uses, such as driving, they will not be accepted by Federal agencies for official purposes—including boarding federally-regulated commercial aircraft—beginning October 1, 2020.

DHS is providing this clarification to avoid any potential public confusion as the final REAL ID deadline for card-based enforcement approaches. The clarification in this final rule is consistent with DHS's previous public messaging of the regulation's enforcement dates. For example, through press statements, website postings, and stakeholder outreach, DHS explained that Federal agencies may continue to accept all non-compliant cards issued by compliant states and territories (or those with an extension) until October 1, 2020.[18] The Transportation Security Administration (TSA) also engaged in outreach to stakeholders regarding compliance dates. This outreach included updates during regular briefings for airports, air carriers, and stakeholder groups such as Airports Council International-North America, and the American Association of Airport Executives. In addition, TSA posted REAL ID updates on the Homeland Security Information Network), which is accessible by all regulated domestic airports and air carriers. DHS is continuing efforts to raise awareness with stakeholders and the public concerning the October 1, 2020, deadline.

Some Federal agencies may decide not to accept non-compliant ''marked'' cards for access to their Federal facilities sooner than the regulatory deadline pursuant to their own authorities and requirements. For example, the U.S. Department of Defense (DoD) recently finalized an update to its DoD-wide installation security policy that includes a prohibition on the acceptance of non-compliant ''marked'' cards for purposes of accessing its facilities and installations. Because Federal agencies may only accept compliant State or territory-issued driver's licenses and identification cards for official purposes beginning October 1, 2020, no agency will be able to accept non-compliant cards, including non-compliant ''marked'' cards for such purposes beginning on that date.[19]

Many individuals rely on their State or territory-issued driver's license or identification card as identification to pass through TSA airport security checkpoints. Beginning October 1, 2020, travelers presenting a non-compliant State or territory-issued driver's license or identification card to TSA will be asked to provide an acceptable form of identification.[20] If the traveler cannot produce an acceptable form of identification or TSA cannot otherwise verify the individual's identity, the individual will not be permitted through the security checkpoint.

DHS encourages individuals to obtain REAL ID compliant cards as soon as possible, particularly if they wish to use a State or territory issued driver's license or identification card to board a federally-regulated commercial aircraft, or for any other official Federal purpose. DHS posted images of both compliant and non-compliant ''marked'' cards on its website, at *https://www.dhs.gov/real-id#,* to assist individuals in determining whether their driver's license or identification card is REAL ID compliant. A REAL ID compliant card includes a compliance marking (which is a star on the upper portion of the card). Non-compliant ''marked'' cards include one of several warnings indicating that they are not acceptable for official purposes. Individuals should check with their Department of Motor Vehicles to learn how to obtain a REAL ID compliant license for the applicable State or territory.

III. Regulatory Analysis

A. Administrative Procedure Act

DHS takes this action without prior notice and public comment and with an effective date of less than 30 days after publication in the **Federal Register**.

Sections 553(b) and (d) of the Administrative Procedure Act (5 U.S.C. 553) authorize agencies to dispense with certain notice procedures for rules when they find ''good cause'' to do so. Under section 553(b), the requirements of notice and opportunity for comment do not apply when the agency for good cause finds that these procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Section 553(d) allows an agency, upon finding good cause, to make a rule effective immediately, thereby avoiding the 30-day delayed effective date requirement in section 553.

This final rule is consistent with DHS's previous messaging regarding the regulation's enforcement dates in public statements, information posted on the DHS website, and communication with industry stakeholders. In these communications, DHS explained that all non-compliant cards issued by compliant states and territories (or those with an extension) will be accepted until October 1, 2020. This final rule does not change when individuals will need to obtain a compliant driver's license or identification card. All individuals still have until October 1, 2020, to obtain a compliant card for official purposes, as defined by the Act and regulation. Given that this final rule simply clarifies what is already widely communicated, and does not change the date by which individuals may no longer use a non-compliant ''marked'' card, DHS assesses no additional burden to any party from this final rule.

[15] 6 CFR 37.71.

[16] *Id.* at § 37.5(b). In addition to state or territory-issued driver's licenses and identification cards, agencies may accept other forms of identification (for example, a passport), pursuant to their own policies. Individuals should consult in advance with agencies they plan on visiting to obtain information regarding identification requirements.

[17] *See id.* at § 37.5(c), ''Federal agencies cannot accept for official purpose driver's licenses and identification cards issued under § 37.71 of this rule.''

[18] *See, e.g.,* Statement by Secretary Johnson, *supra* n. 9. *See also* REAL ID Federal Enforcement, Frequently Asked Questions, *available at https://www.dhs.gov/federal-enforcement* and *https://www.dhs.gov/real-id-public-faqs.*

[19] In addition to licenses and identification cards that are marked non-compliant in accordance with 6 CFR 37.71, licenses and identification cards issued before a state's REAL ID compliance determination and that were not issued in accordance with the REAL ID standards (sometimes referred to as ''legacy'' cards) are also noncompliant and will not be accepted for official purposes beginning on October 1, 2020.

[20] TSA provides a list of identification currently acceptable at the checkpoint on its website. *See https://www.tsa.gov/travel/security-screening/identification.*

Based on the above, DHS finds that notice and public comment to this final rule are impracticable, unnecessary, and contrary to the public interest.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires Federal agencies to consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulation. DHS determined that this rule calls for no new collection of information under the PRA. Information collection requirements associated with this final rule previously have been approved by OMB and have been assigned OMB Number: 1601–0005.

As protection provided by the Paperwork Reduction Act, as amended, 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.

C. Executive Orders 12866 and 13563 Assessment

Executive Orders 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

In conducting these analyses, DHS determined that this rule does not constitute a ''significant regulatory action'' under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB has not reviewed this rule. DHS anticipates that the clarification of the existing enforcement date in this final rule will not increase REAL ID-related compliance costs to the affected agencies or to the public.

D. Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), requires Federal agencies to consider the potential impact of regulations on small businesses, small government jurisdictions, and small organizations during the development of their rules. This final rule, however, does not make changes for which notice and comment are necessary. Accordingly, DHS is not required to prepare a regulatory flexibility analysis. *See* 5 U.S.C. 603, 604.

E. Executive Order 13132 (Federalism)

A rule has implications for federalism under Executive Order 13132 if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. DHS analyzed this rule under this Order and determined it does not have these implications for federalism.

F. Unfunded Mandates Assessment

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

G. Executive Order 13175 (Tribal Consultation)

This rule does not have Tribal Implications under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. Executive Order 13211 (Energy Impact Analysis)

DHS analyzed this rule under Executive Order 13211 and determined that it is not a ''significant energy action'' under that Order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 6 CFR Part 37

Document security, Driver's licenses, Identification cards, Motor vehicle administrations, Physical security.

The Amendments

For the reasons set forth above, the Department of Homeland Security amends 6 CFR part 37 as follows:

PART 37—REAL ID DRIVER'S LICENSES AND IDENTIFICATION CARDS

■ 1. The authority citation for part 37 continues to read as follows:

Authority: 49 U.S.C. 30301 note; 6 U.S.C. 111, 112.

Subpart A—General

■ 2. Revise § 37.5(c) to read as follows:

§ 37.5 Validity periods and deadlines for REAL ID driver's licenses and identification cards.

* * * * *

(c) Until September 30, 2020, Federal agencies may accept for official purposes a driver's license or identification card issued under § 37.71. On or after October 1, 2020, Federal agencies shall not accept for official purposes a driver's license or identification card issued under § 37.71.

Kevin K. McAleenan,

Acting Secretary of Homeland Security.

[FR Doc. 2019–22325 Filed 10–11–19; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. # AMS–CN–19–0007]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2019 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations, increasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton. In addition, AMS is updating the Harmonized Tariff Schedule (HTS) statistical reporting numbers that were amended since the last assessment adjustment in 2018.

DATES: This direct rule is effective December 16, 2019, without further action or notice, unless significant adverse comment is received by

November 14, 2019. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–19–0007, may be submitted electronically through the *Federal eRulemaking Portal at http://www.regulations.gov.* Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery* to Cotton Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia, 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia, 22406. A copy of this document may be found at: *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Director, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway Suite 101, Fredericksburg, Virginia, 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at *Shethir.Riva@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101–2118) (Act) were enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 Stat. 3909, November 28, 1990). These amendments contained two provisions that authorize changes in the funding procedures for the Cotton Research and Promotion Program. These provisions provide for: (1) The assessment of imported cotton and cotton products; and (2) termination of refunds to cotton producers. (Prior to the 1990 amendments to the Act, producers could request assessment refunds.)

As amended, the Cotton Research and Promotion Order (7 CFR part 1205) (Order) was approved by producers and importers voting in a referendum held July 17–26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This direct final rule would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of $1 per bale of cotton, which is equivalent to 500 pounds, or $1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices,* a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2018 in the **Federal Register** (83 FR 40931) for the purpose of calculating assessments on imported cotton is $0.011905 per kilogram. Using the average weighted price received by U.S. farmers for Upland cotton for the calendar year 2018, this direct final rule would amend the new value of imported cotton to $0.012222 per kilogram to reflect the price received by U.S. farmers for Upland cotton during 2018.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500 × 0.453597).

$1 per bale assessment equals $0.002000 per pound or $0.2000 cents per pound (1/500) or $0.004409 per kg or $0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2018 calendar year weighted average price received by producers for Upland cotton is $0.709 per pound or $1.563 per kg. (0.709 × 2.2046).

Five tenths of one percent of the average price equals $0.007813 per kg. (1.563 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.007813 per kg., which equals $0.012222 per kg.

The current assessment on imported cotton is $0.011905 per kilogram of imported cotton. The revised assessment in this direct final rule is $0.012222, an increase of $0.000317 per kilogram. This increase reflects the increase in the average weighted price of Upland cotton received by U.S. farmers during the period January through December 2018.

Import Assessment Table in section 1205.510(b)(3) indicates the total assessment rate ($ per kilogram) due for each Harmonized Tariff Schedule (HTS) number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates and any changes to the HTS numbers. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to ensure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

As described in this **Federal Register** document, the amendment to the value used to determine the Cotton Research and Promotion Program importer

assessment will be updated to reflect the assessment already paid by U.S. farmers. For the reasons mentioned above, AMS finds that publishing a proposed rule and seeking public comment is unnecessary because the change is required annually by regulation in 7 CFR 1205.510.

Also, this direct-final rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.''

AMS has used the direct rule rulemaking process since 2013 and has not received any adverse comments; however, if AMS does receives significant adverse comments during the comment period, it will publish, in a timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent proposed rule and final rule based on the proposed rule.

B. Regulatory Impact Analysis

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121.201, small agricultural producers as those having annual receipts of no more than $750,000 and small ''Other Farm Product Raw Material Merchant Wholesalers'' (cotton merchants/importers) as having no more than 100 employees. The Cotton Board estimates 37,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. According to the United States Census Bureau's ''2016 Survey of SUSB Annual Data Tables by Establishment Industry,'' most importers are considered small entities as defined by the Small Business Administration (13 CFR part 121.201). This rule would only affect importers of cotton and cotton-containing products and would increase the assessments paid by the importers under the Cotton Research and Promotion Order. The current assessment on imported cotton is $0.011905 per kilogram of imported cotton. The amended assessment would be $0.012222, which was calculated based on the 12-month weighted average of price received by U.S. cotton farmers. Section 1205.510, ''Levy of assessments'', provides ''The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States.'' In addition, section 1205.510 provides that the 12-month weighted average of prices received by U.S. farmers will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton.

Under the Cotton Research and Promotion Program, assessments are used by the Cotton Board to finance research and promotion programs designed to increase consumer demand for Upland cotton in the United States and international markets. In 2017 (the last audited year), producer assessments totaled $49.4 million and importer assessments totaled $35.3 million. According to the Cotton Board, should the volume of cotton products imported into the U.S. remain at the same level in 2019, one could expect an increase of assessments by approximately $1,068,645.

Imported organic cotton and products may be exempt from assessment if eligible under section 1205.519 of the Order.

There are no Federal rules that duplicate, overlap, or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093, National Research, Promotion, and Consumer Information Programs. This rule does not result in a change to the information collection and recordkeeping requirements previously approved.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because an amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton. Accordingly, the change in this rule, if adopted, should be implemented as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118; 7 U.S.C 7401.

■ 2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is $1.2222 cents per kilogram.

(3) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5007106010	0.2713	0.3315829
5007106020	0.2713	0.3315829
5007906010	0.2713	0.3315829
5007906020	0.2713	0.3315829
5112904000	0.1085	0.1326087
5112905000	0.1085	0.1326087
5112909010	0.1085	0.1326087
5112909090	0.1085	0.1326087
5201000500	1	1.2222000
5201001200	1	1.2222000
5201001400	1	1.2222000
5201001800	1	1.2222000
5201002200	1	1.2222000
5201002400	1	1.2222000
5201002800	1	1.2222000
5201003400	1	1.2222000
5201003800	1	1.2222000
5204110000	1.0526	1.2864877
5204190000	0.6316	0.7719415
5204200000	1.0526	1.2864877
5205111000	1	1.2222000
5205112000	1	1.2222000
5205121000	1	1.2222000
5205122000	1	1.2222000
5205131000	1	1.2222000
5205132000	1	1.2222000
5205141000	1	1.2222000
5205142000	1	1.2222000
5205151000	1	1.2222000

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5205152000	1	1.2222000
5205210020	1.044	1.2759768
5205210090	1.044	1.2759768
5205220020	1.044	1.2759768
5205220090	1.044	1.2759768
5205230020	1.044	1.2759768
5205230090	1.044	1.2759768
5205240020	1.044	1.2759768
5205240090	1.044	1.2759768
5205260020	1.044	1.2759768
5205260090	1.044	1.2759768
5205270020	1.044	1.2759768
5205270090	1.044	1.2759768
5205280020	1.044	1.2759768
5205280090	1.044	1.2759768
5205310000	1	1.2222000
5205320000	1	1.2222000
5205330000	1	1.2222000
5205340000	1	1.2222000
5205350000	1	1.2222000
5205410020	1.044	1.2759768
5205410090	1.044	1.2759768
5205420021	1.044	1.2759768
5205420029	1.044	1.2759768
5205420090	1.044	1.2759768
5205430021	1.044	1.2759768
5205430029	1.044	1.2759768
5205430090	1.044	1.2759768
5205440021	1.044	1.2759768
5205440029	1.044	1.2759768
5205440090	1.044	1.2759768
5205460021	1.044	1.2759768
5205460029	1.044	1.2759768
5205460090	1.044	1.2759768
5205470021	1.044	1.2759768
5205470029	1.044	1.2759768
5205470090	1.044	1.2759768
5205480020	1.044	1.2759768
5205480090	1.044	1.2759768
5206110000	0.7368	0.9005170
5206120000	0.7368	0.9005170
5206130000	0.7368	0.9005170
5206140000	0.7368	0.9005170
5206150000	0.7368	0.9005170
5206210000	0.7692	0.9401162
5206220000	0.7692	0.9401162
5206230000	0.7692	0.9401162
5206240000	0.7692	0.9401162
5206250000	0.7692	0.9401162
5206310000	0.7368	0.9005170
5206320000	0.7368	0.9005170
5206330000	0.7368	0.9005170
5206340000	0.7368	0.9005170
5206350000	0.7368	0.9005170
5206410000	0.7692	0.9401162
5206420000	0.7692	0.9401162
5206430000	0.7692	0.9401162
5206440000	0.7692	0.9401162
5206450000	0.7692	0.9401162
5207100000	0.9474	1.1579123
5207900000	0.6316	0.7719415
5208112020	1.0852	1.3263314
5208112040	1.0852	1.3263314
5208112090	1.0852	1.3263314
5208114020	1.0852	1.3263314
5208114040	1.0852	1.3263314
5208114060	1.0852	1.3263314
5208114090	1.0852	1.3263314
5208116000	1.0852	1.3263314

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5208118020	1.0852	1.3263314
5208118090	1.0852	1.3263314
5208124020	1.0852	1.3263314
5208124040	1.0852	1.3263314
5208124090	1.0852	1.3263314
5208126020	1.0852	1.3263314
5208126040	1.0852	1.3263314
5208126060	1.0852	1.3263314
5208126090	1.0852	1.3263314
5208128020	1.0852	1.3263314
5208128090	1.0852	1.3263314
5208130000	1.0852	1.3263314
5208192020	1.0852	1.3263314
5208192090	1.0852	1.3263314
5208194020	1.0852	1.3263314
5208194090	1.0852	1.3263314
5208196020	1.0852	1.3263314
5208196090	1.0852	1.3263314
5208198020	1.0852	1.3263314
5208198090	1.0852	1.3263314
5208212020	1.0852	1.3263314
5208212040	1.0852	1.3263314
5208212090	1.0852	1.3263314
5208214020	1.0852	1.3263314
5208214040	1.0852	1.3263314
5208214060	1.0852	1.3263314
5208214090	1.0852	1.3263314
5208216020	1.0852	1.3263314
5208216090	1.0852	1.3263314
5208224020	1.0852	1.3263314
5208224040	1.0852	1.3263314
5208224090	1.0852	1.3263314
5208226020	1.0852	1.3263314
5208226040	1.0852	1.3263314
5208226060	1.0852	1.3263314
5208226090	1.0852	1.3263314
5208228020	1.0852	1.3263314
5208228090	1.0852	1.3263314
5208230000	1.0852	1.3263314
5208292020	1.0852	1.3263314
5208292090	1.0852	1.3263314
5208294020	1.0852	1.3263314
5208294090	1.0852	1.3263314
5208296020	1.0852	1.3263314
5208296090	1.0852	1.3263314
5208298020	1.0852	1.3263314
5208298090	1.0852	1.3263314
5208312000	1.0852	1.3263314
5208314020	1.0852	1.3263314
5208314040	1.0852	1.3263314
5208314090	1.0852	1.3263314
5208316020	1.0852	1.3263314
5208316040	1.0852	1.3263314
5208316060	1.0852	1.3263314
5208316090	1.0852	1.3263314
5208318020	1.0852	1.3263314
5208318090	1.0852	1.3263314
5208321000	1.0852	1.3263314
5208323020	1.0852	1.3263314
5208323040	1.0852	1.3263314
5208323090	1.0852	1.3263314
5208324020	1.0852	1.3263314
5208324040	1.0852	1.3263314
5208324060	1.0852	1.3263314
5208324090	1.0852	1.3263314
5208325020	1.0852	1.3263314
5208325090	1.0852	1.3263314
5208330000	1.0852	1.3263314
5208392020	1.0852	1.3263314

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5208392090	1.0852	1.3263314
5208394020	1.0852	1.3263314
5208394090	1.0852	1.3263314
5208396020	1.0852	1.3263314
5208396090	1.0852	1.3263314
5208398020	1.0852	1.3263314
5208398090	1.0852	1.3263314
5208412000	1.0852	1.3263314
5208414000	1.0852	1.3263314
5208416000	1.0852	1.3263314
5208418000	1.0852	1.3263314
5208421000	1.0852	1.3263314
5208423000	1.0852	1.3263314
5208424000	1.0852	1.3263314
5208425000	1.0852	1.3263314
5208430000	1.0852	1.3263314
5208492000	1.0852	1.3263314
5208494010	1.0852	1.3263314
5208494020	1.0852	1.3263314
5208494090	1.0852	1.3263314
5208496010	1.0852	1.3263314
5208496020	1.0852	1.3263314
5208496030	1.0852	1.3263314
5208496090	1.0852	1.3263314
5208498020	1.0852	1.3263314
5208498090	1.0852	1.3263314
5208512000	1.0852	1.3263314
5208514020	1.0852	1.3263314
5208514040	1.0852	1.3263314
5208514090	1.0852	1.3263314
5208516020	1.0852	1.3263314
5208516040	1.0852	1.3263314
5208516060	1.0852	1.3263314
5208516090	1.0852	1.3263314
5208518020	1.0852	1.3263314
5208518090	1.0852	1.3263314
5208521000	1.0852	1.3263314
5208523020	1.0852	1.3263314
5208523035	1.0852	1.3263314
5208523045	1.0852	1.3263314
5208523090	1.0852	1.3263314
5208524020	1.0852	1.3263314
5208524035	1.0852	1.3263314
5208524045	1.0852	1.3263314
5208524055	1.0852	1.3263314
5208524065	1.0852	1.3263314
5208524090	1.0852	1.3263314
5208525020	1.0852	1.3263314
5208525090	1.0852	1.3263314
5208591000	1.0852	1.3263314
5208592015	1.0852	1.3263314
5208592025	1.0852	1.3263314
5208592085	1.0852	1.3263314
5208592095	1.0852	1.3263314
5208594020	1.0852	1.3263314
5208594090	1.0852	1.3263314
5208596020	1.0852	1.3263314
5208596090	1.0852	1.3263314
5208598020	1.0852	1.3263314
5208598090	1.0852	1.3263314
5209110020	1.0309	1.2599660
5209110025	1.0309	1.2599660
5209110035	1.0309	1.2599660
5209110050	1.0309	1.2599660
5209110090	1.0309	1.2599660
5209120020	1.0309	1.2599660
5209120040	1.0309	1.2599660
5209190020	1.0309	1.2599660
5209190040	1.0309	1.2599660

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5209190060	1.0309	1.2599660
5209190090	1.0309	1.2599660
5209210020	1.0309	1.2599660
5209210025	1.0309	1.2599660
5209210035	1.0309	1.2599660
5209210050	1.0309	1.2599660
5209210090	1.0309	1.2599660
5209220020	1.0309	1.2599660
5209220040	1.0309	1.2599660
5209290020	1.0309	1.2599660
5209290040	1.0309	1.2599660
5209290060	1.0309	1.2599660
5209290090	1.0309	1.2599660
5209313000	1.0309	1.2599660
5209316020	1.0309	1.2599660
5209316025	1.0309	1.2599660
5209316035	1.0309	1.2599660
5209316050	1.0309	1.2599660
5209316090	1.0309	1.2599660
5209320020	1.0309	1.2599660
5209320040	1.0309	1.2599660
5209390020	1.0309	1.2599660
5209390040	1.0309	1.2599660
5209390060	1.0309	1.2599660
5209390080	1.0309	1.2599660
5209390090	1.0309	1.2599660
5209413000	1.0309	1.2599660
5209416020	1.0309	1.2599660
5209416040	1.0309	1.2599660
5209420020	0.9767	1.1937227
5209420040	0.9767	1.1937227
5209420060	0.9767	1.1937227
5209420080	0.9767	1.1937227
5209430030	1.0309	1.2599660
5209430050	1.0309	1.2599660
5209490020	1.0309	1.2599660
5209490040	1.0309	1.2599660
5209490090	1.0309	1.2599660
5209513000	1.0309	1.2599660
5209516015	1.0852	1.3263314
5209516025	1.0852	1.3263314
5209516032	1.0852	1.3263314
5209516035	1.0852	1.3263314
5209516050	1.0852	1.3263314
5209516090	1.0852	1.3263314
5209520020	1.0852	1.3263314
5209520040	1.0852	1.3263314
5209590015	1.0852	1.3263314
5209590025	1.0852	1.3263314
5209590040	1.0852	1.3263314
5209590060	1.0852	1.3263314
5209590090	1.0852	1.3263314
5210114020	0.6511	0.7957744
5210114040	0.6511	0.7957744
5210114090	0.6511	0.7957744
5210116020	0.6511	0.7957744
5210116040	0.6511	0.7957744
5210116060	0.6511	0.7957744
5210116090	0.6511	0.7957744
5210118020	0.6511	0.7957744
5210118090	0.6511	0.7957744
5210191000	0.6511	0.7957744
5210192020	0.6511	0.7957744
5210192090	0.6511	0.7957744
5210194020	0.6511	0.7957744
5210194090	0.6511	0.7957744
5210196020	0.6511	0.7957744
5210196090	0.6511	0.7957744
5210198020	0.6511	0.7957744

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5210198090	0.6511	0.7957744
5210214020	0.6511	0.7957744
5210214040	0.6511	0.7957744
5210214090	0.6511	0.7957744
5210216020	0.6511	0.7957744
5210216040	0.6511	0.7957744
5210216060	0.6511	0.7957744
5210216090	0.6511	0.7957744
5210218020	0.6511	0.7957744
5210218090	0.6511	0.7957744
5210291000	0.6511	0.7957744
5210292020	0.6511	0.7957744
5210292090	0.6511	0.7957744
5210294020	0.6511	0.7957744
5210294090	0.6511	0.7957744
5210296020	0.6511	0.7957744
5210296090	0.6511	0.7957744
5210298020	0.6511	0.7957744
5210298090	0.6511	0.7957744
5210314020	0.6511	0.7957744
5210314040	0.6511	0.7957744
5210314090	0.6511	0.7957744
5210316020	0.6511	0.7957744
5210316040	0.6511	0.7957744
5210316060	0.6511	0.7957744
5210316090	0.6511	0.7957744
5210318020	0.6511	0.7957744
5210318090	0.6511	0.7957744
5210320000	0.6511	0.7957744
5210392020	0.6511	0.7957744
5210392090	0.6511	0.7957744
5210394020	0.6511	0.7957744
5210394090	0.6511	0.7957744
5210396020	0.6511	0.7957744
5210396090	0.6511	0.7957744
5210398020	0.6511	0.7957744
5210398090	0.6511	0.7957744
5210414000	0.6511	0.7957744
5210416000	0.6511	0.7957744
5210418000	0.6511	0.7957744
5210491000	0.6511	0.7957744
5210492000	0.6511	0.7957744
5210494010	0.6511	0.7957744
5210494020	0.6511	0.7957744
5210494090	0.6511	0.7957744
5210496010	0.6511	0.7957744
5210496020	0.6511	0.7957744
5210496090	0.6511	0.7957744
5210498020	0.6511	0.7957744
5210498090	0.6511	0.7957744
5210514020	0.6511	0.7957744
5210514040	0.6511	0.7957744
5210514090	0.6511	0.7957744
5210516020	0.6511	0.7957744
5210516040	0.6511	0.7957744
5210516060	0.6511	0.7957744
5210516090	0.6511	0.7957744
5210518020	0.6511	0.7957744
5210518090	0.6511	0.7957744
5210591000	0.6511	0.7957744
5210592020	0.6511	0.7957744
5210592090	0.6511	0.7957744
5210594020	0.6511	0.7957744
5210594090	0.6511	0.7957744
5210596020	0.6511	0.7957744
5210596090	0.6511	0.7957744
5210598020	0.6511	0.7957744
5210598090	0.6511	0.7957744
5211110020	0.6511	0.7957744

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5211110025	0.6511	0.7957744
5211110035	0.6511	0.7957744
5211110050	0.6511	0.7957744
5211110090	0.6511	0.7957744
5211120020	0.6511	0.7957744
5211120040	0.6511	0.7957744
5211190020	0.6511	0.7957744
5211190040	0.6511	0.7957744
5211190060	0.6511	0.7957744
5211190090	0.6511	0.7957744
5211202120	0.6511	0.7957744
5211202125	0.6511	0.7957744
5211202135	0.6511	0.7957744
5211202150	0.6511	0.7957744
5211202190	0.6511	0.7957744
5211202220	0.6511	0.7957744
5211202240	0.6511	0.7957744
5211202920	0.6511	0.7957744
5211202940	0.6511	0.7957744
5211202960	0.6511	0.7957744
5211202990	0.6511	0.7957744
5211310020	0.6511	0.7957744
5211310025	0.6511	0.7957744
5211310035	0.6511	0.7957744
5211310050	0.6511	0.7957744
5211310090	0.6511	0.7957744
5211320020	0.6511	0.7957744
5211320040	0.6511	0.7957744
5211390020	0.6511	0.7957744
5211390040	0.6511	0.7957744
5211390060	0.6511	0.7957744
5211390090	0.6511	0.7957744
5211410020	0.6511	0.7957744
5211410040	0.6511	0.7957744
5211420020	0.7054	0.8621399
5211420040	0.7054	0.8621399
5211420060	0.6511	0.7957744
5211420080	0.6511	0.7957744
5211430030	0.6511	0.7957744
5211430050	0.6511	0.7957744
5211490020	0.6511	0.7957744
5211490090	0.6511	0.7957744
5211510020	0.6511	0.7957744
5211510030	0.6511	0.7957744
5211510050	0.6511	0.7957744
5211510090	0.6511	0.7957744
5211520020	0.6511	0.7957744
5211520040	0.6511	0.7957744
5211590015	0.6511	0.7957744
5211590025	0.6511	0.7957744
5211590040	0.6511	0.7957744
5211590060	0.6511	0.7957744
5211590090	0.6511	0.7957744
5212111010	0.5845	0.7143759
5212111020	0.6231	0.7615528
5212116010	0.8681	1.0609918
5212116020	0.8681	1.0609918
5212116030	0.8681	1.0609918
5212116040	0.8681	1.0609918
5212116050	0.8681	1.0609918
5212116060	0.8681	1.0609918
5212116070	0.8681	1.0609918
5212116080	0.8681	1.0609918
5212116090	0.8681	1.0609918
5212121010	0.5845	0.7143759
5212121020	0.6231	0.7615528
5212126010	0.8681	1.0609918
5212126020	0.8681	1.0609918
5212126030	0.8681	1.0609918

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5212126040	0.8681	1.0609918
5212126050	0.8681	1.0609918
5212126060	0.8681	1.0609918
5212126070	0.8681	1.0609918
5212126080	0.8681	1.0609918
5212126090	0.8681	1.0609918
5212131010	0.5845	0.7143759
5212131020	0.6231	0.7615528
5212136010	0.8681	1.0609918
5212136020	0.8681	1.0609918
5212136030	0.8681	1.0609918
5212136040	0.8681	1.0609918
5212136050	0.8681	1.0609918
5212136060	0.8681	1.0609918
5212136070	0.8681	1.0609918
5212136080	0.8681	1.0609918
5212136090	0.8681	1.0609918
5212141010	0.5845	0.7143759
5212141020	0.6231	0.7615528
5212146010	0.8681	1.0609918
5212146020	0.8681	1.0609918
5212146030	0.8681	1.0609918
5212146090	0.8681	1.0609918
5212151010	0.5845	0.7143759
5212151020	0.6231	0.7615528
5212156010	0.8681	1.0609918
5212156020	0.8681	1.0609918
5212156030	0.8681	1.0609918
5212156040	0.8681	1.0609918
5212156050	0.8681	1.0609918
5212156060	0.8681	1.0609918
5212156070	0.8681	1.0609918
5212156080	0.8681	1.0609918
5212156090	0.8681	1.0609918
5212211010	0.5845	0.7143759
5212211020	0.6231	0.7615528
5212216010	0.8681	1.0609918
5212216020	0.8681	1.0609918
5212216030	0.8681	1.0609918
5212216040	0.8681	1.0609918
5212216050	0.8681	1.0609918
5212216060	0.8681	1.0609918
5212216090	0.8681	1.0609918
5212221010	0.5845	0.7143759
5212221020	0.6231	0.7615528
5212226010	0.8681	1.0609918
5212226020	0.8681	1.0609918
5212226030	0.8681	1.0609918
5212226040	0.8681	1.0609918
5212226050	0.8681	1.0609918
5212226060	0.8681	1.0609918
5212226090	0.8681	1.0609918
5212231010	0.5845	0.7143759
5212231020	0.6231	0.7615528
5212236010	0.8681	1.0609918
5212236020	0.8681	1.0609918
5212236030	0.8681	1.0609918
5212236040	0.8681	1.0609918
5212236050	0.8681	1.0609918
5212236060	0.8681	1.0609918
5212236090	0.8681	1.0609918
5212241010	0.5845	0.7143759
5212241020	0.6231	0.7615528
5212246010	0.8681	1.0609918
5212246020	0.7054	0.8621399
5212246030	0.8681	1.0609918
5212246040	0.8681	1.0609918
5212246090	0.8681	1.0609918
5212251010	0.5845	0.7143759

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5212251020	0.6231	0.7615528
5212256010	0.8681	1.0609918
5212256020	0.8681	1.0609918
5212256030	0.8681	1.0609918
5212256040	0.8681	1.0609918
5212256050	0.8681	1.0609918
5212256060	0.8681	1.0609918
5212256090	0.8681	1.0609918
5309213005	0.5426	0.6631657
5309213010	0.5426	0.6631657
5309213015	0.5426	0.6631657
5309213020	0.5426	0.6631657
5309214010	0.2713	0.3315829
5309214090	0.2713	0.3315829
5309293005	0.5426	0.6631657
5309293010	0.5426	0.6631657
5309293015	0.5426	0.6631657
5309293020	0.5426	0.6631657
5309294010	0.2713	0.3315829
5309294090	0.2713	0.3315829
5311003005	0.5426	0.6631657
5311003010	0.5426	0.6631657
5311003015	0.5426	0.6631657
5311003020	0.5426	0.6631657
5311004010	0.8681	1.0609918
5311004020	0.8681	1.0609918
5407810010	0.5426	0.6631657
5407810020	0.5426	0.6631657
5407810030	0.5426	0.6631657
5407810040	0.5426	0.6631657
5407810090	0.5426	0.6631657
5407820010	0.5426	0.6631657
5407820020	0.5426	0.6631657
5407820030	0.5426	0.6631657
5407820040	0.5426	0.6631657
5407820090	0.5426	0.6631657
5407830010	0.5426	0.6631657
5407830020	0.5426	0.6631657
5407830030	0.5426	0.6631657
5407830040	0.5426	0.6631657
5407830090	0.5426	0.6631657
5407840010	0.5426	0.6631657
5407840020	0.5426	0.6631657
5407840030	0.5426	0.6631657
5407840040	0.5426	0.6631657
5407840090	0.5426	0.6631657
5509210000	0.1053	0.1286977
5509220010	0.1053	0.1286977
5509220090	0.1053	0.1286977
5509530030	0.3158	0.3859708
5509530060	0.3158	0.3859708
5509620000	0.5263	0.6432439
5509920000	0.5263	0.6432439
5510300000	0.3684	0.4502585
5511200000	0.3158	0.3859708
5512110010	0.1085	0.1326087
5512110022	0.1085	0.1326087
5512110027	0.1085	0.1326087
5512110030	0.1085	0.1326087
5512110040	0.1085	0.1326087
5512110050	0.1085	0.1326087
5512110060	0.1085	0.1326087
5512110070	0.1085	0.1326087
5512110090	0.1085	0.1326087
5512190005	0.1085	0.1326087
5512190010	0.1085	0.1326087
5512190015	0.1085	0.1326087
5512190022	0.1085	0.1326087
5512190027	0.1085	0.1326087

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5512190030	0.1085	0.1326087
5512190035	0.1085	0.1326087
5512190040	0.1085	0.1326087
5512190045	0.1085	0.1326087
5512190050	0.1085	0.1326087
5512190090	0.1085	0.1326087
5512210010	0.0326	0.0398437
5512210020	0.0326	0.0398437
5512210030	0.0326	0.0398437
5512210040	0.0326	0.0398437
5512210060	0.0326	0.0398437
5512210070	0.0326	0.0398437
5512210090	0.0326	0.0398437
5512290010	0.217	0.2652174
5512910010	0.0543	0.0663655
5512990005	0.0543	0.0663655
5512990010	0.0543	0.0663655
5512990015	0.0543	0.0663655
5512990020	0.0543	0.0663655
5512990025	0.0543	0.0663655
5512990030	0.0543	0.0663655
5512990035	0.0543	0.0663655
5512990040	0.0543	0.0663655
5512990045	0.0543	0.0663655
5512990090	0.0543	0.0663655
5513110020	0.3581	0.4376698
5513110040	0.3581	0.4376698
5513110060	0.3581	0.4376698
5513110090	0.3581	0.4376698
5513120000	0.3581	0.4376698
5513130020	0.3581	0.4376698
5513130040	0.3581	0.4376698
5513130090	0.3581	0.4376698
5513190010	0.3581	0.4376698
5513190020	0.3581	0.4376698
5513190030	0.3581	0.4376698
5513190040	0.3581	0.4376698
5513190050	0.3581	0.4376698
5513190060	0.3581	0.4376698
5513190090	0.3581	0.4376698
5513210020	0.3581	0.4376698
5513210040	0.3581	0.4376698
5513210060	0.3581	0.4376698
5513210090	0.3581	0.4376698
5513230121	0.3581	0.4376698
5513230141	0.3581	0.4376698
5513230191	0.3581	0.4376698
5513290010	0.3581	0.4376698
5513290020	0.3581	0.4376698
5513290030	0.3581	0.4376698
5513290040	0.3581	0.4376698
5513290050	0.3581	0.4376698
5513290060	0.3581	0.4376698
5513290090	0.3581	0.4376698
5513310000	0.3581	0.4376698
5513390111	0.3581	0.4376698
5513390115	0.3581	0.4376698
5513390191	0.3581	0.4376698
5513410020	0.3581	0.4376698
5513410040	0.3581	0.4376698
5513410060	0.3581	0.4376698
5513410090	0.3581	0.4376698
5513491000	0.3581	0.4376698
5513492020	0.3581	0.4376698
5513492040	0.3581	0.4376698
5513492090	0.3581	0.4376698
5513499010	0.3581	0.4376698
5513499020	0.3581	0.4376698
5513499030	0.3581	0.4376698

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5513499040	0.3581	0.4376698
5513499050	0.3581	0.4376698
5513499060	0.3581	0.4376698
5513499090	0.3581	0.4376698
5514110020	0.4341	0.5305570
5514110030	0.4341	0.5305570
5514110050	0.4341	0.5305570
5514110090	0.4341	0.5305570
5514120020	0.4341	0.5305570
5514120040	0.4341	0.5305570
5514191020	0.4341	0.5305570
5514191040	0.4341	0.5305570
5514191090	0.4341	0.5305570
5514199010	0.4341	0.5305570
5514199020	0.4341	0.5305570
5514199030	0.4341	0.5305570
5514199040	0.4341	0.5305570
5514199090	0.4341	0.5305570
5514210020	0.4341	0.5305570
5514210030	0.4341	0.5305570
5514210050	0.4341	0.5305570
5514210090	0.4341	0.5305570
5514220020	0.4341	0.5305570
5514220040	0.4341	0.5305570
5514230020	0.4341	0.5305570
5514230040	0.4341	0.5305570
5514230090	0.4341	0.5305570
5514290010	0.4341	0.5305570
5514290020	0.4341	0.5305570
5514290030	0.4341	0.5305570
5514290040	0.4341	0.5305570
5514290090	0.4341	0.5305570
5514303100	0.4341	0.5305570
5514303210	0.4341	0.5305570
5514303215	0.4341	0.5305570
5514303280	0.4341	0.5305570
5514303310	0.4341	0.5305570
5514303390	0.4341	0.5305570
5514303910	0.4341	0.5305570
5514303920	0.4341	0.5305570
5514303990	0.4341	0.5305570
5514410020	0.4341	0.5305570
5514410030	0.4341	0.5305570
5514410050	0.4341	0.5305570
5514410090	0.4341	0.5305570
5514420020	0.4341	0.5305570
5514420040	0.4341	0.5305570
5514430020	0.4341	0.5305570
5514430040	0.4341	0.5305570
5514430090	0.4341	0.5305570
5514490010	0.4341	0.5305570
5514490020	0.4341	0.5305570
5514490030	0.4341	0.5305570
5514490040	0.4341	0.5305570
5514490090	0.4341	0.5305570
5515110005	0.1085	0.1326087
5515110010	0.1085	0.1326087
5515110015	0.1085	0.1326087
5515110020	0.1085	0.1326087
5515110025	0.1085	0.1326087
5515110030	0.1085	0.1326087
5515110035	0.1085	0.1326087
5515110040	0.1085	0.1326087
5515110045	0.1085	0.1326087
5515110090	0.1085	0.1326087
5515120010	0.1085	0.1326087
5515120022	0.1085	0.1326087
5515120027	0.1085	0.1326087
5515120030	0.1085	0.1326087

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5515120040	0.1085	0.1326087
5515120090	0.1085	0.1326087
5515190005	0.1085	0.1326087
5515190010	0.1085	0.1326087
5515190015	0.1085	0.1326087
5515190020	0.1085	0.1326087
5515190025	0.1085	0.1326087
5515190030	0.1085	0.1326087
5515190035	0.1085	0.1326087
5515190040	0.1085	0.1326087
5515190045	0.1085	0.1326087
5515190090	0.1085	0.1326087
5515290005	0.1085	0.1326087
5515290010	0.1085	0.1326087
5515290015	0.1085	0.1326087
5515290020	0.1085	0.1326087
5515290025	0.1085	0.1326087
5515290030	0.1085	0.1326087
5515290035	0.1085	0.1326087
5515290040	0.1085	0.1326087
5515290045	0.1085	0.1326087
5515290090	0.1085	0.1326087
5515999005	0.1085	0.1326087
5515999010	0.1085	0.1326087
5515999015	0.1085	0.1326087
5515999020	0.1085	0.1326087
5515999025	0.1085	0.1326087
5515999030	0.1085	0.1326087
5515999035	0.1085	0.1326087
5515999040	0.1085	0.1326087
5515999045	0.1085	0.1326087
5515999090	0.1085	0.1326087
5516210010	0.1085	0.1326087
5516210020	0.1085	0.1326087
5516210030	0.1085	0.1326087
5516210040	0.1085	0.1326087
5516210090	0.1085	0.1326087
5516220010	0.1085	0.1326087
5516220020	0.1085	0.1326087
5516220030	0.1085	0.1326087
5516220040	0.1085	0.1326087
5516220090	0.1085	0.1326087
5516230010	0.1085	0.1326087
5516230020	0.1085	0.1326087
5516230030	0.1085	0.1326087
5516230040	0.1085	0.1326087
5516230090	0.1085	0.1326087
5516240010	0.1085	0.1326087
5516240020	0.1085	0.1326087
5516240030	0.1085	0.1326087
5516240040	0.1085	0.1326087
5516240085	0.1085	0.1326087
5516240095	0.1085	0.1326087
5516410010	0.3798	0.4641916
5516410022	0.3798	0.4641916
5516410027	0.3798	0.4641916
5516410030	0.3798	0.4641916
5516410040	0.3798	0.4641916
5516410050	0.3798	0.4641916
5516410060	0.3798	0.4641916
5516410070	0.3798	0.4641916
5516410090	0.3798	0.4641916
5516420010	0.3798	0.4641916
5516420022	0.3798	0.4641916
5516420027	0.3798	0.4641916
5516420030	0.3798	0.4641916
5516420040	0.3798	0.4641916
5516420050	0.3798	0.4641916
5516420060	0.3798	0.4641916

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5516420070	0.3798	0.4641916
5516420090	0.3798	0.4641916
5516430010	0.217	0.2652174
5516430015	0.3798	0.4641916
5516430020	0.3798	0.4641916
5516430035	0.3798	0.4641916
5516430080	0.3798	0.4641916
5516440010	0.3798	0.4641916
5516440022	0.3798	0.4641916
5516440027	0.3798	0.4641916
5516440030	0.3798	0.4641916
5516440040	0.3798	0.4641916
5516440050	0.3798	0.4641916
5516440060	0.3798	0.4641916
5516440070	0.3798	0.4641916
5516440090	0.3798	0.4641916
5516910010	0.0543	0.0663655
5516910020	0.0543	0.0663655
5516910030	0.0543	0.0663655
5516910040	0.0543	0.0663655
5516910050	0.0543	0.0663655
5516910060	0.0543	0.0663655
5516910070	0.0543	0.0663655
5516910090	0.0543	0.0663655
5516920010	0.0543	0.0663655
5516920020	0.0543	0.0663655
5516920030	0.0543	0.0663655
5516920040	0.0543	0.0663655
5516920050	0.0543	0.0663655
5516920060	0.0543	0.0663655
5516920070	0.0543	0.0663655
5516920090	0.0543	0.0663655
5516930010	0.0543	0.0663655
5516930020	0.0543	0.0663655
5516930090	0.0543	0.0663655
5516940010	0.0543	0.0663655
5516940020	0.0543	0.0663655
5516940030	0.0543	0.0663655
5516940040	0.0543	0.0663655
5516940050	0.0543	0.0663655
5516940060	0.0543	0.0663655
5516940070	0.0543	0.0663655
5516940090	0.0543	0.0663655
5601210010	0.9767	1.1937227
5601210090	0.9767	1.1937227
5601220010	0.9767	1.1937227
5601220090	0.9767	1.1937227
5601300000	0.3256	0.3979483
5602101000	0.0543	0.0663655
5602109090	0.4341	0.5305570
5602290000	0.4341	0.5305570
5602909000	0.3256	0.3979483
5603143000	0.2713	0.3315829
5603910010	0.0217	0.0265217
5603910090	0.0651	0.0795652
5603920010	0.0217	0.0265217
5603920090	0.0651	0.0795652
5603930010	0.0217	0.0265217
5603930090	0.0651	0.0795652
5603941090	0.3256	0.3979483
5603943000	0.1628	0.1989742
5603949010	0.0326	0.0398437
5604100000	0.2632	0.3216830
5604909000	0.2105	0.2572731
5605009000	0.1579	0.1929854
5606000010	0.1263	0.1543639
5606000090	0.1263	0.1543639
5607502500	0.1684	0.2058185
5607909000	0.8421	1.0292146

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5608901000	1.0526	1.2864877
5608902300	0.6316	0.7719415
5608902700	0.6316	0.7719415
5608903000	0.3158	0.3859708
5609001000	0.8421	1.0292146
5609004000	0.2105	0.2572731
5701101300	0.0526	0.0642877
5701101600	0.0526	0.0642877
5701104000	0.0526	0.0642877
5701109000	0.0526	0.0642877
5701901010	1	1.2222000
5701901020	1	1.2222000
5701901030	0.0526	0.0642877
5701901090	0.0526	0.0642877
5701902010	0.9474	1.1579123
5701902020	0.9474	1.1579123
5701902030	0.0526	0.0642877
5701902090	0.0526	0.0642877
5702101000	0.0447	0.0546323
5702109010	0.0447	0.0546323
5702109020	0.85	1.0388700
5702109030	0.0447	0.0546323
5702109090	0.0447	0.0546323
5702201000	0.0447	0.0546323
5702311000	0.0447	0.0546323
5702312000	0.0895	0.1093869
5702322000	0.0895	0.1093869
5702391000	0.0895	0.1093869
5702392010	0.8053	0.9842377
5702392090	0.0447	0.0546323
5702411000	0.0447	0.0546323
5702412000	0.0447	0.0546323
5702421000	0.0895	0.1093869
5702422020	0.0895	0.1093869
5702422080	0.0895	0.1093869
5702491020	0.8947	1.0935023
5702491080	0.8947	1.0935023
5702492000	0.0895	0.1093869
5702502000	0.0895	0.1093869
5702504000	0.0447	0.0546323
5702505200	0.0895	0.1093869
5702505600	0.85	1.0388700
5702912000	0.0447	0.0546323
5702913000	0.0447	0.0546323
5702914000	0.0447	0.0546323
5702921000	0.0447	0.0546323
5702929000	0.0447	0.0546323
5702990500	0.8947	1.0935023
5702991500	0.8947	1.0935023
5703201000	0.0452	0.0552434
5703202010	0.0452	0.0552434
5703302000	0.0452	0.0552434
5703900000	0.3615	0.4418253
5705001000	0.0452	0.0552434
5705002005	0.0452	0.0552434
5705002015	0.0452	0.0552434
5705002020	0.7682	0.9388940
5705002030	0.0452	0.0552434
5705002090	0.1808	0.2209738
5801210000	0.9767	1.1937227
5801221000	0.9767	1.1937227
5801229000	0.9767	1.1937227
5801230000	0.9767	1.1937227
5801260010	0.7596	0.9283831
5801260020	0.7596	0.9283831
5801271000	0.9767	1.1937227
5801275010	1.0852	1.3263314
5801275020	0.9767	1.1937227
5801310000	0.217	0.2652174

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5801320000	0.217	0.2652174
5801330000	0.217	0.2652174
5801360010	0.217	0.2652174
5801360020	0.217	0.2652174
5802110000	1.0309	1.2599660
5802190000	1.0309	1.2599660
5802200020	0.1085	0.1326087
5802200090	0.3256	0.3979483
5802300030	0.4341	0.5305570
5802300090	0.1085	0.1326087
5803001000	1.0852	1.3263314
5803002000	0.8681	1.0609918
5803003000	0.8681	1.0609918
5803005000	0.3256	0.3979483
5804101000	0.4341	0.5305570
5804109090	0.2193	0.2680285
5804291000	0.8772	1.0721138
5804300020	0.3256	0.3979483
5805001000	0.1085	0.1326087
5805003000	1.0852	1.3263314
5806101000	0.8681	1.0609918
5806103090	0.217	0.2652174
5806200010	0.2577	0.3149609
5806200090	0.2577	0.3149609
5806310000	0.8681	1.0609918
5806393080	0.217	0.2652174
5806400000	0.0814	0.0994871
5807100510	0.8681	1.0609918
5807102010	0.8681	1.0609918
5807900510	0.8681	1.0609918
5807902010	0.8681	1.0609918
5808104000	0.217	0.2652174
5808107000	0.217	0.2652174
5808900010	0.4341	0.5305570
5810100000	0.3256	0.3979483
5810910010	0.7596	0.9283831
5810910020	0.7596	0.9283831
5810921000	0.217	0.2652174
5810929030	0.217	0.2652174
5810929050	0.217	0.2652174
5810929080	0.217	0.2652174
5811002000	0.8681	1.0609918
5901102000	0.5643	0.6896875
5901904000	0.8139	0.9947486
5903101000	0.4341	0.5305570
5903103000	0.1085	0.1326087
5903201000	0.4341	0.5305570
5903203090	0.1085	0.1326087
5903901000	0.4341	0.5305570
5903903090	0.1085	0.1326087
5904901000	0.0326	0.0398437
5905001000	0.1085	0.1326087
5905009000	0.1085	0.1326087
5906100000	0.4341	0.5305570
5906911000	0.4341	0.5305570
5906913000	0.1085	0.1326087
5906991000	0.4341	0.5305570
5906993000	0.1085	0.1326087
5907002500	0.3798	0.4641916
5907003500	0.3798	0.4641916
5907008090	0.3798	0.4641916
5908000000	0.7813	0.9549049
5909001000	0.6837	0.8356181
5909002000	0.4883	0.5968003
5910001010	0.3798	0.4641916
5910001020	0.3798	0.4641916
5910001030	0.3798	0.4641916
5910001060	0.3798	0.4641916
5910001070	0.3798	0.4641916

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
5910001090	0.6837	0.8356181
5910009000	0.5697	0.6962873
5911101000	0.1736	0.2121739
5911102000	0.0434	0.0530435
5911201000	0.4341	0.5305570
5911310010	0.4341	0.5305570
5911310020	0.4341	0.5305570
5911310030	0.4341	0.5305570
5911310080	0.4341	0.5305570
5911320010	0.4341	0.5305570
5911320020	0.4341	0.5305570
5911320030	0.4341	0.5305570
5911320080	0.4341	0.5305570
5911400000	0.5426	0.6631657
5911900040	0.3158	0.3859708
5911900080	0.2105	0.2572731
6001106000	0.1096	0.1339531
6001210000	0.9868	1.2060670
6001220000	0.1096	0.1339531
6001290000	0.1096	0.1339531
6001910010	0.8772	1.0721138
6001910020	0.8772	1.0721138
6001920010	0.0548	0.0669766
6001920020	0.0548	0.0669766
6001920030	0.0548	0.0669766
6001920040	0.0548	0.0669766
6001999000	0.1096	0.1339531
6002404000	0.7401	0.9045502
6002408020	0.1974	0.2412623
6002408080	0.1974	0.2412623
6002904000	0.7895	0.9649269
6002908020	0.1974	0.2412623
6002908080	0.1974	0.2412623
6003201000	0.8772	1.0721138
6003203000	0.8772	1.0721138
6003301000	0.1096	0.1339531
6003306000	0.1096	0.1339531
6003401000	0.1096	0.1339531
6003406000	0.1096	0.1339531
6003901000	0.1096	0.1339531
6003909000	0.1096	0.1339531
6004100010	0.2961	0.3618934
6004100025	0.2961	0.3618934
6004100085	0.2961	0.3618934
6004902010	0.2961	0.3618934
6004902025	0.2961	0.3618934
6004902085	0.2961	0.3618934
6004909000	0.2961	0.3618934
6005210000	0.7127	0.8710619
6005220000	0.7127	0.8710619
6005230000	0.7127	0.8710619
6005240000	0.7127	0.8710619
6005360010	0.1096	0.1339531
6005360080	0.1096	0.1339531
6005370010	0.1096	0.1339531
6005370080	0.1096	0.1339531
6005380010	0.1096	0.1339531
6005380080	0.1096	0.1339531
6005390010	0.1096	0.1339531
6005390080	0.1096	0.1339531
6005410010	0.1096	0.1339531
6005410080	0.1096	0.1339531
6005420010	0.1096	0.1339531
6005420080	0.1096	0.1339531
6005430010	0.1096	0.1339531
6005430080	0.1096	0.1339531
6005440010	0.1096	0.1339531
6005440080	0.1096	0.1339531
6005909000	0.1096	0.1339531

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6006211000	1.0965	1.3401423
6006219020	0.7675	0.9380385
6006219080	0.7675	0.9380385
6006221000	1.0965	1.3401423
6006229020	0.7675	0.9380385
6006229080	0.7675	0.9380385
6006231000	1.0965	1.3401423
6006239020	0.7675	0.9380385
6006239080	0.7675	0.9380385
6006241000	1.0965	1.3401423
6006249020	0.7675	0.9380385
6006249080	0.7675	0.9380385
6006310020	0.3289	0.4019816
6006310040	0.3289	0.4019816
6006310060	0.3289	0.4019816
6006310080	0.3289	0.4019816
6006320020	0.3289	0.4019816
6006320040	0.3289	0.4019816
6006320060	0.3289	0.4019816
6006320080	0.3289	0.4019816
6006330020	0.3289	0.4019816
6006330040	0.3289	0.4019816
6006330060	0.3289	0.4019816
6006330080	0.3289	0.4019816
6006340020	0.3289	0.4019816
6006340040	0.3289	0.4019816
6006340060	0.3289	0.4019816
6006340080	0.3289	0.4019816
6006410025	0.3289	0.4019816
6006410085	0.3289	0.4019816
6006420025	0.3289	0.4019816
6006420085	0.3289	0.4019816
6006430025	0.3289	0.4019816
6006430085	0.3289	0.4019816
6006440025	0.3289	0.4019816
6006440085	0.3289	0.4019816
6006909000	0.1096	0.1339531
6101200010	1.02	1.2466440
6101200020	1.02	1.2466440
6101301000	0.2072	0.2532398
6101900500	0.1912	0.2336846
6101909010	0.5737	0.7011761
6101909030	0.51	0.6233220
6101909060	0.255	0.3116610
6102100000	0.255	0.3116610
6102200010	0.9562	1.1686676
6102200020	0.9562	1.1686676
6102300500	0.1785	0.2181627
6102909005	0.5737	0.7011761
6102909015	0.4462	0.5453456
6102909030	0.255	0.3116610
6103101000	0.0637	0.0778541
6103104000	0.1218	0.1488640
6103105000	0.1218	0.1488640
6103106010	0.8528	1.0422922
6103106015	0.8528	1.0422922
6103106030	0.8528	1.0422922
6103109010	0.5482	0.6700100
6103109020	0.5482	0.6700100
6103109030	0.5482	0.6700100
6103109040	0.1218	0.1488640
6103109050	0.1218	0.1488640
6103109080	0.1827	0.2232959
6103320000	0.8722	1.0660028
6103398010	0.7476	0.9137167
6103398030	0.3738	0.4568584
6103398060	0.2492	0.3045722
6103411010	0.3576	0.4370587
6103411020	0.3576	0.4370587

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6103412000	0.3576	0.4370587
6103421020	0.8343	1.0196815
6103421035	0.8343	1.0196815
6103421040	0.8343	1.0196815
6103421050	0.8343	1.0196815
6103421065	0.8343	1.0196815
6103421070	0.8343	1.0196815
6103422010	0.8343	1.0196815
6103422015	0.8343	1.0196815
6103422025	0.8343	1.0196815
6103431520	0.2384	0.2913725
6103431535	0.2384	0.2913725
6103431540	0.2384	0.2913725
6103431550	0.2384	0.2913725
6103431565	0.2384	0.2913725
6103431570	0.2384	0.2913725
6103432020	0.2384	0.2913725
6103432025	0.2384	0.2913725
6103491020	0.2437	0.2978501
6103491060	0.2437	0.2978501
6103492000	0.2437	0.2978501
6103498010	0.5482	0.6700100
6103498014	0.3655	0.4467141
6103498024	0.2437	0.2978501
6103498026	0.2437	0.2978501
6103498034	0.5482	0.6700100
6103498038	0.3655	0.4467141
6103498060	0.2437	0.2978501
6104196010	0.8722	1.0660028
6104196020	0.8722	1.0660028
6104196030	0.8722	1.0660028
6104196040	0.8722	1.0660028
6104198010	0.5607	0.6852875
6104198020	0.5607	0.6852875
6104198030	0.5607	0.6852875
6104198040	0.5607	0.6852875
6104198060	0.3738	0.4568584
6104198090	0.2492	0.3045722
6104320000	0.8722	1.0660028
6104392010	0.5607	0.6852875
6104392030	0.3738	0.4568584
6104392090	0.2492	0.3045722
6104420010	0.8528	1.0422922
6104420020	0.8528	1.0422922
6104499010	0.5482	0.6700100
6104499030	0.3655	0.4467141
6104499060	0.2437	0.2978501
6104520010	0.8822	1.0782248
6104520020	0.8822	1.0782248
6104598010	0.5672	0.6932318
6104598030	0.3781	0.4621138
6104598090	0.2521	0.3081166
6104610010	0.2384	0.2913725
6104610020	0.2384	0.2913725
6104610030	0.2384	0.2913725
6104621010	0.7509	0.9177500
6104621020	0.8343	1.0196815
6104621030	0.8343	1.0196815
6104622006	0.7151	0.8739952
6104622011	0.8343	1.0196815
6104622016	0.7151	0.8739952
6104622021	0.8343	1.0196815
6104622026	0.7151	0.8739952
6104622028	0.8343	1.0196815
6104622030	0.8343	1.0196815
6104622050	0.8343	1.0196815
6104622060	0.8343	1.0196815
6104631020	0.2384	0.2913725
6104631030	0.2384	0.2913725

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6104632006	0.8343	1.0196815
6104632011	0.8343	1.0196815
6104632016	0.7151	0.8739952
6104632021	0.8343	1.0196815
6104632026	0.3576	0.4370587
6104632028	0.3576	0.4370587
6104632030	0.3576	0.4370587
6104632050	0.7151	0.8739952
6104632060	0.3576	0.4370587
6104691000	0.3655	0.4467141
6104692030	0.3655	0.4467141
6104692060	0.3655	0.4467141
6104698010	0.5482	0.6700100
6104698014	0.3655	0.4467141
6104698020	0.2437	0.2978501
6104698022	0.5482	0.6700100
6104698026	0.3655	0.4467141
6104698038	0.2437	0.2978501
6104698040	0.2437	0.2978501
6105100010	0.9332	1.1405570
6105100020	0.9332	1.1405570
6105100030	0.9332	1.1405570
6105202010	0.2916	0.3563935
6105202020	0.2916	0.3563935
6105202030	0.2916	0.3563935
6105908010	0.5249	0.6415328
6105908030	0.3499	0.4276478
6105908060	0.2333	0.2851393
6106100010	0.9332	1.1405570
6106100020	0.9332	1.1405570
6106100030	0.9332	1.1405570
6106202010	0.2916	0.3563935
6106202020	0.4666	0.5702785
6106202030	0.2916	0.3563935
6106901500	0.0583	0.0712543
6106902510	0.5249	0.6415328
6106902530	0.3499	0.4276478
6106902550	0.2916	0.3563935
6106903010	0.5249	0.6415328
6106903030	0.3499	0.4276478
6106903040	0.2916	0.3563935
6107110010	1.0727	1.3110539
6107110020	1.0727	1.3110539
6107120010	0.4767	0.5826227
6107120020	0.4767	0.5826227
6107191000	0.1192	0.1456862
6107210010	0.8343	1.0196815
6107210020	0.7151	0.8739952
6107220010	0.3576	0.4370587
6107220015	0.1192	0.1456862
6107220025	0.2384	0.2913725
6107299000	0.1788	0.2185294
6107910030	1.1918	1.4566180
6107910040	1.1918	1.4566180
6107910090	0.9535	1.1653677
6107991030	0.3576	0.4370587
6107991040	0.3576	0.4370587
6107991090	0.3576	0.4370587
6107999000	0.1192	0.1456862
6108199010	1.0611	1.2968764
6108199030	0.2358	0.2881948
6108210010	1.179	1.4409738
6108210020	1.179	1.4409738
6108299000	0.3537	0.4322921
6108310010	1.0611	1.2968764
6108310020	1.0611	1.2968764
6108320010	0.2358	0.2881948
6108320015	0.2358	0.2881948
6108320025	0.2358	0.2881948

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6108398000	0.3537	0.4322921
6108910005	1.179	1.4409738
6108910015	1.179	1.4409738
6108910025	1.179	1.4409738
6108910030	1.179	1.4409738
6108910040	1.179	1.4409738
6108920005	0.2358	0.2881948
6108920015	0.2358	0.2881948
6108920025	0.2358	0.2881948
6108920030	0.2358	0.2881948
6108920040	0.2358	0.2881948
6108999000	0.3537	0.4322921
6109100004	1.0022	1.2248888
6109100007	1.0022	1.2248888
6109100011	1.0022	1.2248888
6109100012	1.0022	1.2248888
6109100014	1.0022	1.2248888
6109100018	1.0022	1.2248888
6109100023	1.0022	1.2248888
6109100027	1.0022	1.2248888
6109100037	1.0022	1.2248888
6109100040	1.0022	1.2248888
6109100045	1.0022	1.2248888
6109100060	1.0022	1.2248888
6109100065	1.0022	1.2248888
6109100070	1.0022	1.2248888
6109901007	0.2948	0.3603046
6109901009	0.2948	0.3603046
6109901013	0.2948	0.3603046
6109901025	0.2948	0.3603046
6109901047	0.2948	0.3603046
6109901049	0.2948	0.3603046
6109901050	0.2948	0.3603046
6109901060	0.2948	0.3603046
6109901065	0.2948	0.3603046
6109901070	0.2948	0.3603046
6109901075	0.2948	0.3603046
6109901090	0.2948	0.3603046
6109908010	0.3499	0.4276478
6109908030	0.2333	0.2851393
6110201010	0.7476	0.9137167
6110201020	0.7476	0.9137167
6110201022	0.7476	0.9137167
6110201024	0.7476	0.9137167
6110201026	0.7476	0.9137167
6110201029	0.7476	0.9137167
6110201031	0.7476	0.9137167
6110201033	0.7476	0.9137167
6110202005	1.1214	1.3705751
6110202010	1.1214	1.3705751
6110202015	1.1214	1.3705751
6110202020	1.1214	1.3705751
6110202025	1.1214	1.3705751
6110202030	1.1214	1.3705751
6110202035	1.1214	1.3705751
6110202041	1.0965	1.3401423
6110202044	1.0965	1.3401423
6110202046	1.0965	1.3401423
6110202049	1.0965	1.3401423
6110202067	1.0965	1.3401423
6110202069	1.0965	1.3401423
6110202077	1.0965	1.3401423
6110202079	1.0965	1.3401423
6110909010	0.5607	0.6852875
6110909012	0.1246	0.1522861
6110909014	0.3738	0.4568584
6110909026	0.5607	0.6852875
6110909028	0.1869	0.2284292
6110909030	0.3738	0.4568584

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6110909044	0.5607	0.6852875
6110909046	0.5607	0.6852875
6110909052	0.3738	0.4568584
6110909054	0.3738	0.4568584
6110909064	0.2492	0.3045722
6110909066	0.2492	0.3045722
6110909067	0.5607	0.6852875
6110909069	0.5607	0.6852875
6110909071	0.5607	0.6852875
6110909073	0.5607	0.6852875
6110909079	0.3738	0.4568584
6110909080	0.3738	0.4568584
6110909081	0.3738	0.4568584
6110909082	0.3738	0.4568584
6110909088	0.2492	0.3045722
6110909090	0.2492	0.3045722
6111201000	1.1918	1.4566180
6111202000	1.1918	1.4566180
6111203000	0.9535	1.1653677
6111204000	0.9535	1.1653677
6111205000	0.9535	1.1653677
6111206010	0.9535	1.1653677
6111206020	0.9535	1.1653677
6111206030	0.9535	1.1653677
6111206050	0.9535	1.1653677
6111206070	0.9535	1.1653677
6111301000	0.2384	0.2913725
6111302000	0.2384	0.2913725
6111303000	0.2384	0.2913725
6111304000	0.2384	0.2913725
6111305010	0.2384	0.2913725
6111305015	0.2384	0.2913725
6111305020	0.2384	0.2913725
6111305030	0.2384	0.2913725
6111305050	0.2384	0.2913725
6111305070	0.2384	0.2913725
6111901000	0.2384	0.2913725
6111902000	0.2384	0.2913725
6111903000	0.2384	0.2913725
6111904000	0.2384	0.2913725
6111905010	0.2384	0.2913725
6111905020	0.2384	0.2913725
6111905030	0.2384	0.2913725
6111905050	0.2384	0.2913725
6111905070	0.2384	0.2913725
6112110010	0.9535	1.1653677
6112110020	0.9535	1.1653677
6112110030	0.9535	1.1653677
6112110040	0.9535	1.1653677
6112110050	0.9535	1.1653677
6112110060	0.9535	1.1653677
6112120010	0.2384	0.2913725
6112120020	0.2384	0.2913725
6112120030	0.2384	0.2913725
6112120040	0.2384	0.2913725
6112120050	0.2384	0.2913725
6112120060	0.2384	0.2913725
6112191010	0.2492	0.3045722
6112191020	0.2492	0.3045722
6112191030	0.2492	0.3045722
6112191040	0.2492	0.3045722
6112191050	0.2492	0.3045722
6112191060	0.2492	0.3045722
6112201060	0.2492	0.3045722
6112201070	0.2492	0.3045722
6112201080	0.2492	0.3045722
6112201090	0.2492	0.3045722
6112202010	0.8722	1.0660028
6112202020	0.3738	0.4568584

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6112202030	0.2492	0.3045722
6112310010	0.1192	0.1456862
6112310020	0.1192	0.1456862
6112390010	1.0727	1.3110539
6112410010	0.1192	0.1456862
6112410020	0.1192	0.1456862
6112410030	0.1192	0.1456862
6112410040	0.1192	0.1456862
6112490010	0.8939	1.0925246
6113001005	0.1246	0.1522861
6113001010	0.1246	0.1522861
6113001012	0.1246	0.1522861
6113009015	0.3489	0.4264256
6113009020	0.3489	0.4264256
6113009038	0.3489	0.4264256
6113009042	0.3489	0.4264256
6113009055	0.3489	0.4264256
6113009060	0.3489	0.4264256
6113009074	0.3489	0.4264256
6113009082	0.3489	0.4264256
6114200005	0.9747	1.1912783
6114200010	0.9747	1.1912783
6114200015	0.8528	1.0422922
6114200020	0.8528	1.0422922
6114200035	0.8528	1.0422922
6114200040	0.8528	1.0422922
6114200042	0.3655	0.4467141
6114200044	0.8528	1.0422922
6114200046	0.8528	1.0422922
6114200048	0.8528	1.0422922
6114200052	0.8528	1.0422922
6114200055	0.8528	1.0422922
6114200060	0.8528	1.0422922
6114301010	0.2437	0.2978501
6114301020	0.2437	0.2978501
6114302060	0.1218	0.1488640
6114303014	0.2437	0.2978501
6114303020	0.2437	0.2978501
6114303030	0.2437	0.2978501
6114303042	0.2437	0.2978501
6114303044	0.2437	0.2978501
6114303052	0.2437	0.2978501
6114303054	0.2437	0.2978501
6114303060	0.2437	0.2978501
6114303070	0.2437	0.2978501
6114909045	0.5482	0.6700100
6114909055	0.3655	0.4467141
6114909070	0.3655	0.4467141
6115100500	0.4386	0.5360569
6115101510	1.0965	1.3401423
6115103000	0.9868	1.2060670
6115106000	0.1096	0.1339531
6115298010	1.0965	1.3401423
6115309030	0.7675	0.9380385
6115956000	0.9868	1.2060670
6115959000	0.9868	1.2060670
6115966020	0.2193	0.2680285
6115991420	0.2193	0.2680285
6115991920	0.2193	0.2680285
6115999000	0.1096	0.1339531
6116101300	0.3463	0.4232479
6116101720	0.8079	0.9874154
6116104810	0.4444	0.5431457
6116105510	0.6464	0.7900301
6116107510	0.6464	0.7900301
6116109500	0.1616	0.1975075
6116920500	0.8079	0.9874154
6116920800	0.8079	0.9874154
6116926410	1.0388	1.2696214

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6116926420	1.0388	1.2696214
6116926430	1.1542	1.4106632
6116926440	1.0388	1.2696214
6116927450	1.0388	1.2696214
6116927460	1.1542	1.4106632
6116927470	1.0388	1.2696214
6116928800	1.0388	1.2696214
6116929400	1.0388	1.2696214
6116938800	0.1154	0.1410419
6116939400	0.1154	0.1410419
6116994800	0.1154	0.1410419
6116995400	0.1154	0.1410419
6116999510	0.4617	0.5642897
6116999530	0.3463	0.4232479
6117106010	0.9234	1.1285795
6117106020	0.2308	0.2820838
6117808500	0.9234	1.1285795
6117808710	1.1542	1.4106632
6117808770	0.1731	0.2115628
6117809510	0.9234	1.1285795
6117809540	0.3463	0.4232479
6117809570	0.1731	0.2115628
6117909003	1.1542	1.4106632
6117909015	0.2308	0.2820838
6117909020	1.1542	1.4106632
6117909040	1.1542	1.4106632
6117909060	1.1542	1.4106632
6117909080	1.1542	1.4106632
6201121000	0.8981	1.0976578
6201122010	0.8482	1.0366700
6201122020	0.8482	1.0366700
6201122025	0.9979	1.2196334
6201122035	0.9979	1.2196334
6201122050	0.6486	0.7927189
6201122060	0.6486	0.7927189
6201134015	0.1996	0.2439511
6201134020	0.1996	0.2439511
6201134030	0.2495	0.3049389
6201134040	0.2495	0.3049389
6201199010	0.5613	0.6860209
6201199030	0.3742	0.4573472
6201199060	0.3742	0.4573472
6201920500	0.8779	1.0729694
6201921700	1.0974	1.3412423
6201921905	0.9754	1.1921339
6201921910	0.9754	1.1921339
6201921921	1.2193	1.4902285
6201921931	1.2193	1.4902285
6201921941	1.2193	1.4902285
6201921951	0.9754	1.1921339
6201921961	0.9754	1.1921339
6201923000	0.8779	1.0729694
6201923500	1.0974	1.3412423
6201924505	0.9754	1.1921339
6201924510	0.9754	1.1921339
6201924521	1.2193	1.4902285
6201924531	1.2193	1.4902285
6201924541	1.2193	1.4902285
6201924551	0.9754	1.1921339
6201924561	0.9754	1.1921339
6201931500	0.2926	0.3576157
6201931810	0.2439	0.2980946
6201931820	0.2439	0.2980946
6201934911	0.2439	0.2980946
6201934921	0.2439	0.2980946
6201935000	0.2926	0.3576157
6201935210	0.2439	0.2980946
6201935220	0.2439	0.2980946
6201936511	0.2439	0.2980946

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6201936521	0.2439	0.2980946
6201991510	0.5487	0.6706211
6201991530	0.3658	0.4470808
6201991560	0.2439	0.2980946
6201998010	0.5487	0.6706211
6201998030	0.3658	0.4470808
6201998060	0.2439	0.2980946
6202121000	0.8879	1.0851914
6202122010	1.0482	1.2811100
6202122020	1.0482	1.2811100
6202122025	1.2332	1.5072170
6202122035	1.2332	1.5072170
6202122050	0.8016	0.9797155
6202122060	0.8016	0.9797155
6202134005	0.2524	0.3084833
6202134010	0.2524	0.3084833
6202134020	0.3155	0.3856041
6202134030	0.3155	0.3856041
6202199010	0.5678	0.6939652
6202199030	0.3786	0.4627249
6202199060	0.2524	0.3084833
6202920300	0.9865	1.2057003
6202920500	0.9865	1.2057003
6202921210	0.9865	1.2057003
6202921220	0.9865	1.2057003
6202921226	1.2332	1.5072170
6202921231	1.2332	1.5072170
6202921261	0.9865	1.2057003
6202921271	0.9865	1.2057003
6202922500	0.9865	1.2057003
6202923000	0.9865	1.2057003
6202929010	0.9865	1.2057003
6202929020	0.9865	1.2057003
6202929026	1.2332	1.5072170
6202929031	1.2332	1.5072170
6202929061	0.9865	1.2057003
6202929071	0.9865	1.2057003
6202930100	0.296	0.3617712
6202930310	0.2466	0.3013945
6202930320	0.2466	0.3013945
6202930911	0.2466	0.3013945
6202930921	0.2466	0.3013945
6202931500	0.296	0.3617712
6202932510	0.2466	0.3013945
6202932520	0.2466	0.3013945
6202935511	0.2466	0.3013945
6202935521	0.2466	0.3013945
6202991511	0.5549	0.6781988
6202991531	0.37	0.4522140
6202991561	0.2466	0.3013945
6202998011	0.5549	0.6781988
6202998031	0.37	0.4522140
6202998061	0.2466	0.3013945
6203122010	0.1233	0.1506973
6203122020	0.1233	0.1506973
6203191010	0.9865	1.2057003
6203191020	0.9865	1.2057003
6203191030	0.9865	1.2057003
6203199010	0.5549	0.6781988
6203199020	0.5549	0.6781988
6203199030	0.5549	0.6781988
6203199050	0.37	0.4522140
6203199080	0.2466	0.3013945
6203221000	1.2332	1.5072170
6203321000	0.6782	0.8288960
6203322010	1.1715	1.4318073
6203322020	1.1715	1.4318073
6203322030	1.1715	1.4318073
6203322040	1.1715	1.4318073

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6203322050	1.1715	1.4318073
6203332010	0.1233	0.1506973
6203332020	0.1233	0.1506973
6203392010	0.1233	0.1506973
6203392020	0.1233	0.1506973
6203399010	0.5549	0.6781988
6203399030	0.37	0.4522140
6203399060	0.2466	0.3013945
6203420300	1.0616	1.2974875
6203420505	0.7077	0.8649509
6203420510	0.9436	1.1532679
6203420525	0.9436	1.1532679
6203420550	0.9436	1.1532679
6203420590	0.9436	1.1532679
6203420703	1.0616	1.2974875
6203420706	1.1796	1.4417071
6203420711	1.1796	1.4417071
6203420716	0.9436	1.1532679
6203420721	1.1796	1.4417071
6203420726	1.1796	1.4417071
6203420731	1.1796	1.4417071
6203420736	1.1796	1.4417071
6203420741	0.9436	1.1532679
6203420746	0.9436	1.1532679
6203420751	0.8752	1.0696694
6203420756	0.8752	1.0696694
6203420761	0.8752	1.0696694
6203421700	1.0616	1.2974875
6203422505	0.7077	0.8649509
6203422510	0.9436	1.1532679
6203422525	0.9436	1.1532679
6203422550	0.9436	1.1532679
6203422590	0.9436	1.1532679
6203424503	1.0616	1.2974875
6203424506	1.1796	1.4417071
6203424511	1.1796	1.4417071
6203424516	0.9436	1.1532679
6203424521	1.1796	1.4417071
6203424526	1.1796	1.4417071
6203424531	1.1796	1.4417071
6203424536	1.1796	1.4417071
6203424541	0.9436	1.1532679
6203424546	0.9436	1.1532679
6203424551	0.8752	1.0696694
6203424556	0.8752	1.0696694
6203424561	0.8752	1.0696694
6203430100	0.1887	0.2306291
6203430300	0.118	0.1442196
6203430505	0.118	0.1442196
6203430510	0.2359	0.2883170
6203430525	0.2359	0.2883170
6203430550	0.2359	0.2883170
6203430590	0.2359	0.2883170
6203431110	0.059	0.0721098
6203431190	0.059	0.0721098
6203431310	0.1167	0.1426307
6203431315	0.1167	0.1426307
6203431320	0.1167	0.1426307
6203431330	0.1167	0.1426307
6203431335	0.1167	0.1426307
6203431340	0.1167	0.1426307
6203434500	0.1887	0.2306291
6203435500	0.118	0.1442196
6203436005	0.118	0.1442196
6203436010	0.2359	0.2883170
6203436025	0.2359	0.2883170
6203436050	0.2359	0.2883170
6203436090	0.2359	0.2883170
6203436500	0.4128	0.5045242

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6203437510	0.059	0.0721098
6203437590	0.059	0.0721098
6203439010	0.1167	0.1426307
6203439015	0.1167	0.1426307
6203439020	0.1167	0.1426307
6203439030	0.1167	0.1426307
6203439035	0.1167	0.1426307
6203439040	0.1167	0.1426307
6203490105	0.118	0.1442196
6203490110	0.2359	0.2883170
6203490125	0.2359	0.2883170
6203490150	0.2359	0.2883170
6203490190	0.2359	0.2883170
6203490515	0.2359	0.2883170
6203490520	0.2359	0.2883170
6203490530	0.118	0.1442196
6203490545	0.118	0.1442196
6203490550	0.118	0.1442196
6203490560	0.118	0.1442196
6203490920	0.5308	0.6487438
6203490930	0.3539	0.4325366
6203490945	0.2359	0.2883170
6203492505	0.118	0.1442196
6203492510	0.2359	0.2883170
6203492525	0.2359	0.2883170
6203492550	0.2359	0.2883170
6203492590	0.2359	0.2883170
6203493500	0.4128	0.5045242
6203495015	0.2359	0.2883170
6203495020	0.2359	0.2883170
6203495030	0.118	0.1442196
6203495045	0.118	0.1442196
6203495050	0.118	0.1442196
6203495060	0.118	0.1442196
6203499020	0.5308	0.6487438
6203499030	0.3539	0.4325366
6203499045	0.2359	0.2883170
6204110000	0.0617	0.0754097
6204120010	0.9865	1.2057003
6204120020	0.9865	1.2057003
6204120030	0.9865	1.2057003
6204120040	0.9865	1.2057003
6204132010	0.1233	0.1506973
6204132020	0.1233	0.1506973
6204192000	0.1233	0.1506973
6204198010	0.5549	0.6781988
6204198020	0.5549	0.6781988
6204198030	0.5549	0.6781988
6204198040	0.5549	0.6781988
6204198060	0.3083	0.3768043
6204198090	0.2466	0.3013945
6204221000	1.2332	1.5072170
6204321000	0.6782	0.8288960
6204322010	1.1715	1.4318073
6204322020	1.1715	1.4318073
6204322030	0.9865	1.2057003
6204322040	0.9865	1.2057003
6204398010	0.5549	0.6781988
6204398030	0.3083	0.3768043
6204412010	0.0603	0.0736987
6204412020	0.0603	0.0736987
6204421000	1.2058	1.4737288
6204422000	0.6632	0.8105630
6204423010	1.2058	1.4737288
6204423020	1.2058	1.4737288
6204423030	0.9043	1.1052355
6204423040	0.9043	1.1052355
6204423050	0.9043	1.1052355
6204423060	0.9043	1.1052355

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6204431000	0.4823	0.5894671
6204432000	0.0603	0.0736987
6204442000	0.4316	0.5275015
6204495010	0.5549	0.6781988
6204495030	0.2466	0.3013945
6204510010	0.0631	0.0771208
6204510020	0.0631	0.0771208
6204521000	1.2618	1.5421720
6204522010	1.1988	1.4651734
6204522020	1.1988	1.4651734
6204522030	1.1988	1.4651734
6204522040	1.1988	1.4651734
6204522070	1.0095	1.2338109
6204522080	1.0095	1.2338109
6204531000	0.4416	0.5397235
6204532010	0.0631	0.0771208
6204532020	0.0631	0.0771208
6204533010	0.2524	0.3084833
6204533020	0.2524	0.3084833
6204591000	0.4416	0.5397235
6204594010	0.5678	0.6939652
6204594030	0.2524	0.3084833
6204594060	0.2524	0.3084833
6204610510	0.059	0.0721098
6204610520	0.059	0.0721098
6204611510	0.059	0.0721098
6204611520	0.059	0.0721098
6204611530	0.059	0.0721098
6204611540	0.118	0.1442196
6204616010	0.059	0.0721098
6204616020	0.059	0.0721098
6204618010	0.059	0.0721098
6204618020	0.059	0.0721098
6204618030	0.059	0.0721098
6204618040	0.118	0.1442196
6204620300	0.8681	1.0609918
6204620505	0.7077	0.8649509
6204620510	0.9436	1.1532679
6204620525	0.9436	1.1532679
6204620550	0.9436	1.1532679
6204621503	1.0616	1.2974875
6204621506	1.1796	1.4417071
6204621511	1.1796	1.4417071
6204621521	0.9436	1.1532679
6204621526	1.1796	1.4417071
6204621531	1.1796	1.4417071
6204621536	1.1796	1.4417071
6204621541	1.1796	1.4417071
6204621546	0.9436	1.1532679
6204621551	0.9436	1.1532679
6204621556	0.9335	1.1409237
6204621561	0.9335	1.1409237
6204621566	0.9335	1.1409237
6204625000	0.8681	1.0609918
6204626005	0.7077	0.8649509
6204626010	0.9436	1.1532679
6204626025	0.9436	1.1532679
6204626050	0.9436	1.1532679
6204627000	1.1796	1.4417071
6204628003	1.0616	1.2974875
6204628006	1.1796	1.4417071
6204628011	1.1796	1.4417071
6204628021	0.9436	1.1532679
6204628026	1.1796	1.4417071
6204628031	1.1796	1.4417071
6204628036	1.1796	1.4417071
6204628041	1.1796	1.4417071
6204628046	0.9436	1.1532679
6204628051	0.9436	1.1532679

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6204628056	0.9335	1.1409237
6204628061	0.9335	1.1409237
6204628066	0.9335	1.1409237
6204630100	0.2019	0.2467622
6204630200	0.118	0.1442196
6204630305	0.118	0.1442196
6204630310	0.2359	0.2883170
6204630325	0.2359	0.2883170
6204630350	0.2359	0.2883170
6204630810	0.059	0.0721098
6204630820	0.059	0.0721098
6204630910	0.0603	0.0736987
6204630990	0.0603	0.0736987
6204631110	0.2412	0.2947946
6204631125	0.2412	0.2947946
6204631130	0.2412	0.2947946
6204631132	0.2309	0.2822060
6204631135	0.2309	0.2822060
6204631140	0.2309	0.2822060
6204635000	0.2019	0.2467622
6204635500	0.118	0.1442196
6204636005	0.118	0.1442196
6204636010	0.2359	0.2883170
6204636025	0.2359	0.2883170
6204636050	0.2359	0.2883170
6204636500	0.4718	0.5766340
6204637010	0.059	0.0721098
6204637020	0.059	0.0721098
6204637510	0.0603	0.0736987
6204637590	0.0603	0.0736987
6204639010	0.2412	0.2947946
6204639025	0.2412	0.2947946
6204639030	0.2412	0.2947946
6204639032	0.2309	0.2822060
6204639035	0.2309	0.2822060
6204639040	0.2309	0.2822060
6204690105	0.118	0.1442196
6204690110	0.2359	0.2883170
6204690110	0.2359	0.2883170
6204690125	0.2359	0.2883170
6204690150	0.2359	0.2883170
6204690210	0.059	0.0721098
6204690220	0.059	0.0721098
6204690230	0.059	0.0721098
6204690310	0.2359	0.2883170
6204690320	0.2359	0.2883170
6204690330	0.2359	0.2883170
6204690340	0.2309	0.2822060
6204690350	0.2309	0.2822060
6204690360	0.2309	0.2822060
6204690510	0.5308	0.6487438
6204690530	0.2359	0.2883170
6204690570	0.3539	0.4325366
6204690610	0.5308	0.6487438
6204690630	0.2359	0.2883170
6204690644	0.2359	0.2883170
6204690646	0.2359	0.2883170
6204690650	0.3539	0.4325366
6204691505	0.118	0.1442196
6204691510	0.2359	0.2883170
6204691525	0.2359	0.2883170
6204691525	0.2359	0.2883170
6204691550	0.2359	0.2883170
6204692210	0.059	0.0721098
6204692220	0.059	0.0721098
6204692230	0.059	0.0721098
6204692810	0.2359	0.2883170
6204692820	0.2359	0.2883170
6204692830	0.2359	0.2883170

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6204692840	0.2309	0.2822060
6204692850	0.2309	0.2822060
6204692860	0.2309	0.2822060
6204696510	0.5308	0.6487438
6204696530	0.2359	0.2883170
6204696570	0.3539	0.4325366
6204698010	0.5308	0.6487438
6204698030	0.2359	0.2883170
6204698044	0.2359	0.2883170
6204698046	0.2359	0.2883170
6204698050	0.3539	0.4325366
6205201000	1.1796	1.4417071
6205202003	0.9436	1.1532679
6205202016	0.9436	1.1532679
6205202021	0.9436	1.1532679
6205202026	0.9436	1.1532679
6205202031	0.9436	1.1532679
6205202036	1.0616	1.2974875
6205202041	1.0616	1.2974875
6205202044	1.0616	1.2974875
6205202047	0.9436	1.1532679
6205202051	0.9436	1.1532679
6205202056	0.9436	1.1532679
6205202061	0.9436	1.1532679
6205202066	0.9436	1.1532679
6205202071	0.9436	1.1532679
6205202076	0.9436	1.1532679
6205301000	0.4128	0.5045242
6205302010	0.2949	0.3604268
6205302020	0.2949	0.3604268
6205302030	0.2949	0.3604268
6205302040	0.2949	0.3604268
6205302050	0.2949	0.3604268
6205302055	0.2949	0.3604268
6205302060	0.2949	0.3604268
6205302070	0.2949	0.3604268
6205302075	0.2949	0.3604268
6205302080	0.2949	0.3604268
6205900710	0.118	0.1442196
6205900720	0.118	0.1442196
6205901000	0.2359	0.2883170
6205903010	0.5308	0.6487438
6205903030	0.2359	0.2883170
6205903050	0.1769	0.2162072
6205904010	0.5308	0.6487438
6205904030	0.2359	0.2883170
6205904040	0.2359	0.2883170
6206100010	0.5308	0.6487438
6206100030	0.2359	0.2883170
6206100040	0.118	0.1442196
6206100050	0.2359	0.2883170
6206203010	0.059	0.0721098
6206203020	0.059	0.0721098
6206301000	1.1796	1.4417071
6206302000	0.6488	0.7929634
6206303003	0.9436	1.1532679
6206303011	0.9436	1.1532679
6206303021	0.9436	1.1532679
6206303031	0.9436	1.1532679
6206303041	0.9436	1.1532679
6206303051	0.9436	1.1532679
6206303061	0.9436	1.1532679
6206401000	0.4128	0.5045242
6206403010	0.2949	0.3604268
6206403020	0.2949	0.3604268
6206403025	0.2949	0.3604268
6206403030	0.2949	0.3604268
6206403040	0.2949	0.3604268
6206403050	0.2949	0.3604268

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6206900010	0.5308	0.6487438
6206900030	0.2359	0.2883170
6206900040	0.1769	0.2162072
6207110000	1.0281	1.2565438
6207199010	0.3427	0.4188479
6207199030	0.4569	0.5584232
6207210010	1.0502	1.2835544
6207210020	1.0502	1.2835544
6207210030	1.0502	1.2835544
6207210040	1.0502	1.2835544
6207220000	0.3501	0.4278922
6207291000	0.1167	0.1426307
6207299030	0.1167	0.1426307
6207911000	1.0852	1.3263314
6207913010	1.0852	1.3263314
6207913020	1.0852	1.3263314
6207997520	0.2412	0.2947946
6207998510	0.2412	0.2947946
6207998520	0.2412	0.2947946
6208110000	0.2412	0.2947946
6208192000	1.0852	1.3263314
6208195000	0.1206	0.1473973
6208199000	0.2412	0.2947946
6208210010	1.0026	1.2253777
6208210020	1.0026	1.2253777
6208210030	1.0026	1.2253777
6208220000	0.118	0.1442196
6208299030	0.2359	0.2883170
6208911010	1.0852	1.3263314
6208911020	1.0852	1.3263314
6208913010	1.0852	1.3263314
6208913020	1.0852	1.3263314
6208920010	0.1206	0.1473973
6208920020	0.1206	0.1473973
6208920030	0.1206	0.1473973
6208920040	0.1206	0.1473973
6208992010	0.0603	0.0736987
6208992020	0.0603	0.0736987
6208995010	0.2412	0.2947946
6208995020	0.2412	0.2947946
6208998010	0.2412	0.2947946
6208998020	0.2412	0.2947946
6209201000	1.0967	1.3403867
6209202000	1.039	1.2698658
6209203000	0.9236	1.1288239
6209205030	0.9236	1.1288239
6209205035	0.9236	1.1288239
6209205045	0.9236	1.1288239
6209205050	0.9236	1.1288239
6209301000	0.2917	0.3565157
6209302000	0.2917	0.3565157
6209303010	0.2334	0.2852615
6209303020	0.2334	0.2852615
6209303030	0.2334	0.2852615
6209303040	0.2334	0.2852615
6209900500	0.1154	0.1410419
6209901000	0.2917	0.3565157
6209902000	0.2917	0.3565157
6209903010	0.2917	0.3565157
6209903015	0.2917	0.3565157
6209903020	0.2917	0.3565157
6209903030	0.2917	0.3565157
6209903040	0.2917	0.3565157
6210109010	0.217	0.2652174
6210109040	0.217	0.2652174
6210203000	0.0362	0.0442436
6210205000	0.0844	0.1031537
6210207000	0.1809	0.2210960
6210303000	0.0362	0.0442436

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6210305000	0.0844	0.1031537
6210307000	0.0362	0.0442436
6210309020	0.422	0.5157684
6210401500	0.037	0.0452214
6210402520	0.4316	0.5275015
6210402531	0.0863	0.1054759
6210402539	0.0863	0.1054759
6210402540	0.4316	0.5275015
6210402550	0.4316	0.5275015
6210402800	0.111	0.1356642
6210402925	0.111	0.1356642
6210402933	0.111	0.1356642
6210402945	0.111	0.1356642
6210402960	0.111	0.1356642
6210403500	0.037	0.0452214
6210405520	0.4316	0.5275015
6210405531	0.0863	0.1054759
6210405539	0.0863	0.1054759
6210405540	0.4316	0.5275015
6210405550	0.4316	0.5275015
6210407500	0.111	0.1356642
6210408025	0.111	0.1356642
6210408033	0.111	0.1356642
6210408045	0.111	0.1356642
6210408060	0.111	0.1356642
6210500300	0.037	0.0452214
6210500520	0.0863	0.1054759
6210500531	0.0863	0.1054759
6210500539	0.0863	0.1054759
6210500540	0.0863	0.1054759
6210500555	0.0863	0.1054759
6210501200	0.4316	0.5275015
6210502250	0.148	0.1808856
6210502260	0.148	0.1808856
6210502270	0.148	0.1808856
6210502290	0.148	0.1808856
6210503500	0.037	0.0452214
6210505520	0.0863	0.1054759
6210505531	0.0863	0.1054759
6210505539	0.0863	0.1054759
6210505540	0.0863	0.1054759
6210505555	0.0863	0.1054759
6210507500	0.4316	0.5275015
6210508050	0.148	0.1808856
6210508060	0.148	0.1808856
6210508070	0.148	0.1808856
6210508090	0.148	0.1808856
6211111010	0.1206	0.1473973
6211111020	0.1206	0.1473973
6211118010	1.0852	1.3263314
6211118020	1.0852	1.3263314
6211118040	0.2412	0.2947946
6211121010	0.0603	0.0736987
6211121020	0.0603	0.0736987
6211128010	1.0852	1.3263314
6211128020	1.0852	1.3263314
6211128030	0.6029	0.7368644
6211200410	0.7717	0.9431717
6211200420	0.0965	0.1179423
6211200430	0.7717	0.9431717
6211200440	0.0965	0.1179423
6211200810	0.3858	0.4715248
6211200820	0.3858	0.4715248
6211201510	0.7615	0.9307053
6211201515	0.2343	0.2863615
6211201520	0.6443	0.7874635
6211201525	0.2929	0.3579824
6211201530	0.7615	0.9307053
6211201535	0.3515	0.4296033

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6211201540	0.7615	0.9307053
6211201545	0.2929	0.3579824
6211201550	0.7615	0.9307053
6211201555	0.41	0.5011020
6211201560	0.7615	0.9307053
6211201565	0.2343	0.2863615
6211202400	0.1233	0.1506973
6211202810	0.8016	0.9797155
6211202820	0.2466	0.3013945
6211202830	0.3083	0.3768043
6211203400	0.1233	0.1506973
6211203810	0.8016	0.9797155
6211203820	0.2466	0.3013945
6211203830	0.3083	0.3768043
6211204400	0.1233	0.1506973
6211204815	0.8016	0.9797155
6211204835	0.2466	0.3013945
6211204860	0.3083	0.3768043
6211205400	0.1233	0.1506973
6211205810	0.8016	0.9797155
6211205820	0.2466	0.3013945
6211205830	0.3083	0.3768043
6211206400	0.1233	0.1506973
6211206810	0.8016	0.9797155
6211206820	0.2466	0.3013945
6211206830	0.3083	0.3768043
6211207400	0.1233	0.1506973
6211207810	0.9249	1.1304128
6211207820	0.2466	0.3013945
6211207830	0.3083	0.3768043
6211325003	0.6412	0.7836746
6211325007	0.8016	0.9797155
6211325010	0.9865	1.2057003
6211325015	0.9865	1.2057003
6211325025	0.9865	1.2057003
6211325030	0.9249	1.1304128
6211325040	0.9249	1.1304128
6211325050	0.9249	1.1304128
6211325060	0.9249	1.1304128
6211325070	0.9249	1.1304128
6211325075	0.9249	1.1304128
6211325081	0.9249	1.1304128
6211329003	0.6412	0.7836746
6211329007	0.8016	0.9797155
6211329010	0.9865	1.2057003
6211329015	0.9865	1.2057003
6211329025	0.9865	1.2057003
6211329030	0.9249	1.1304128
6211329040	0.9249	1.1304128
6211329050	0.9249	1.1304128
6211329060	0.9249	1.1304128
6211329070	0.9249	1.1304128
6211329075	0.9249	1.1304128
6211329081	0.9249	1.1304128
6211335003	0.0987	0.1206311
6211335007	0.1233	0.1506973
6211335010	0.3083	0.3768043
6211335015	0.3083	0.3768043
6211335017	0.3083	0.3768043
6211335025	0.37	0.4522140
6211335030	0.37	0.4522140
6211335035	0.37	0.4522140
6211335040	0.37	0.4522140
6211335054	0.37	0.4522140
6211335058	0.37	0.4522140
6211335061	0.37	0.4522140
6211339003	0.0987	0.1206311
6211339007	0.1233	0.1506973
6211339010	0.3083	0.3768043

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6211339015	0.3083	0.3768043
6211339017	0.3083	0.3768043
6211339025	0.37	0.4522140
6211339030	0.37	0.4522140
6211339035	0.37	0.4522140
6211339040	0.37	0.4522140
6211339054	0.37	0.4522140
6211339058	0.37	0.4522140
6211339061	0.37	0.4522140
6211390310	0.1233	0.1506973
6211390320	0.1233	0.1506973
6211390330	0.1233	0.1506973
6211390340	0.1233	0.1506973
6211390345	0.1233	0.1506973
6211390351	0.1233	0.1506973
6211391510	0.2466	0.3013945
6211391520	0.2466	0.3013945
6211391530	0.2466	0.3013945
6211391540	0.2466	0.3013945
6211391550	0.2466	0.3013945
6211391560	0.2466	0.3013945
6211391570	0.2466	0.3013945
6211391590	0.2466	0.3013945
6211393010	0.1233	0.1506973
6211393020	0.1233	0.1506973
6211393030	0.1233	0.1506973
6211393040	0.1233	0.1506973
6211393045	0.1233	0.1506973
6211393051	0.1233	0.1506973
6211398010	0.2466	0.3013945
6211398020	0.2466	0.3013945
6211398030	0.2466	0.3013945
6211398040	0.2466	0.3013945
6211398050	0.2466	0.3013945
6211398060	0.2466	0.3013945
6211398070	0.2466	0.3013945
6211398090	0.2466	0.3013945
6211420503	0.6412	0.7836746
6211420507	0.8016	0.9797155
6211420510	0.9865	1.2057003
6211420520	0.9865	1.2057003
6211420525	1.1099	1.3565198
6211420530	0.8632	1.0550030
6211420540	0.9865	1.2057003
6211420554	1.1099	1.3565198
6211420556	1.1099	1.3565198
6211420560	0.9865	1.2057003
6211420570	1.1099	1.3565198
6211420575	1.1099	1.3565198
6211420581	1.1099	1.3565198
6211421003	0.6412	0.7836746
6211421007	0.8016	0.9797155
6211421010	0.9865	1.2057003
6211421020	0.9865	1.2057003
6211421025	1.1099	1.3565198
6211421030	0.8632	1.0550030
6211421040	0.9865	1.2057003
6211421054	1.1099	1.3565198
6211421056	1.1099	1.3565198
6211421060	0.9865	1.2057003
6211421070	1.1099	1.3565198
6211421075	1.1099	1.3565198
6211421081	1.1099	1.3565198
6211430503	0.0987	0.1206311
6211430507	0.1233	0.1506973
6211430510	0.2466	0.3013945
6211430520	0.2466	0.3013945
6211430530	0.2466	0.3013945
6211430540	0.2466	0.3013945

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6211430550	0.2466	0.3013945
6211430560	0.2466	0.3013945
6211430564	0.3083	0.3768043
6211430566	0.2466	0.3013945
6211430574	0.3083	0.3768043
6211430576	0.37	0.4522140
6211430578	0.37	0.4522140
6211430591	0.2466	0.3013945
6211431003	0.0987	0.1206311
6211431007	0.1233	0.1506973
6211431010	0.2466	0.3013945
6211431020	0.2466	0.3013945
6211431030	0.2466	0.3013945
6211431040	0.2466	0.3013945
6211431050	0.2466	0.3013945
6211431060	0.2466	0.3013945
6211431064	0.3083	0.3768043
6211431066	0.2466	0.3013945
6211431074	0.3083	0.3768043
6211431076	0.37	0.4522140
6211431078	0.37	0.4522140
6211431091	0.2466	0.3013945
6211492510	0.2466	0.3013945
6211492520	0.2466	0.3013945
6211492530	0.2466	0.3013945
6211492540	0.2466	0.3013945
6211492550	0.2466	0.3013945
6211492560	0.2466	0.3013945
6211492570	0.2466	0.3013945
6211492580	0.2466	0.3013945
6211492590	0.2466	0.3013945
6211498010	0.2466	0.3013945
6211498020	0.2466	0.3013945
6211498030	0.2466	0.3013945
6211498040	0.2466	0.3013945
6211498050	0.2466	0.3013945
6211498060	0.2466	0.3013945
6211498070	0.2466	0.3013945
6211498080	0.2466	0.3013945
6211498090	0.2466	0.3013945
6212105010	0.9138	1.1168464
6212105020	0.2285	0.2792727
6212105030	0.2285	0.2792727
6212109010	0.9138	1.1168464
6212109020	0.2285	0.2792727
6212109040	0.2285	0.2792727
6212200010	0.6854	0.8376959
6212200020	0.2856	0.3490603
6212200030	0.1142	0.1395752
6212300010	0.6854	0.8376959
6212300020	0.2856	0.3490603
6212300030	0.1142	0.1395752
6212900010	0.1828	0.2234182
6212900020	0.1828	0.2234182
6212900030	0.1828	0.2234182
6212900050	0.0914	0.1117091
6212900090	0.4112	0.5025686
6213201000	1.1187	1.3672751
6213202000	1.0069	1.2306332
6213900700	0.4475	0.5469345
6213901000	0.4475	0.5469345
6213902000	0.3356	0.4101703
6214300000	0.1142	0.1395752
6214400000	0.1142	0.1395752
6214900010	0.8567	1.0470587
6214900090	0.2285	0.2792727
6215100025	0.1142	0.1395752
6215200000	0.1142	0.1395752
6215900015	1.0281	1.2565438

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6216000800	0.0685	0.0837207
6216001300	0.3427	0.4188479
6216001720	0.6397	0.7818413
6216001730	0.1599	0.1954298
6216001900	0.3427	0.4188479
6216002110	0.578	0.7064316
6216002120	0.2477	0.3027389
6216002410	0.6605	0.8072631
6216002425	0.1651	0.2017852
6216002600	0.1651	0.2017852
6216002910	0.6605	0.8072631
6216002925	0.1651	0.2017852
6216003100	0.1651	0.2017852
6216003300	0.5898	0.7208536
6216003500	0.5898	0.7208536
6216003800	1.1796	1.4417071
6216004100	1.1796	1.4417071
6217109510	0.9646	1.1789341
6217109520	0.1809	0.2210960
6217109530	0.2412	0.2947946
6217909003	0.9646	1.1789341
6217909005	0.1809	0.2210960
6217909010	0.2412	0.2947946
6217909025	0.9646	1.1789341
6217909030	0.1809	0.2210960
6217909035	0.2412	0.2947946
6217909050	0.9646	1.1789341
6217909055	0.1809	0.2210960
6217909060	0.2412	0.2947946
6217909075	0.9646	1.1789341
6217909080	0.1809	0.2210960
6217909085	0.2412	0.2947946
6301300010	0.8305	1.0150371
6301300020	0.8305	1.0150371
6301900030	0.2215	0.2707173
6302100005	1.1073	1.3533421
6302100008	1.1073	1.3533421
6302100015	1.1073	1.3533421
6302213010	1.1073	1.3533421
6302213020	1.1073	1.3533421
6302213030	1.1073	1.3533421
6302213040	1.1073	1.3533421
6302213050	1.1073	1.3533421
6302215010	0.7751	0.9473272
6302215020	0.7751	0.9473272
6302215030	0.7751	0.9473272
6302215040	0.7751	0.9473272
6302215050	0.7751	0.9473272
6302217010	1.1073	1.3533421
6302217020	1.1073	1.3533421
6302217030	1.1073	1.3533421
6302217040	1.1073	1.3533421
6302217050	1.1073	1.3533421
6302219010	0.7751	0.9473272
6302219020	0.7751	0.9473272
6302219030	0.7751	0.9473272
6302219040	0.7751	0.9473272
6302219050	0.7751	0.9473272
6302221010	0.5537	0.6767321
6302221020	0.3876	0.4737247
6302221030	0.5537	0.6767321
6302221040	0.3876	0.4737247
6302221050	0.3876	0.4737247
6302221060	0.3876	0.4737247
6302222010	0.3876	0.4737247
6302222020	0.3876	0.4737247
6302222030	0.3876	0.4737247
6302290020	0.2215	0.2707173
6302313010	1.1073	1.3533421

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6302313020	1.1073	1.3533421
6302313030	1.1073	1.3533421
6302313040	1.1073	1.3533421
6302313050	1.1073	1.3533421
6302315010	0.7751	0.9473272
6302315020	0.7751	0.9473272
6302315030	0.7751	0.9473272
6302315040	0.7751	0.9473272
6302315050	0.7751	0.9473272
6302317010	1.1073	1.3533421
6302317020	1.1073	1.3533421
6302317030	1.1073	1.3533421
6302317040	1.1073	1.3533421
6302317050	1.1073	1.3533421
6302319010	0.7751	0.9473272
6302319020	0.7751	0.9473272
6302319030	0.7751	0.9473272
6302319040	0.7751	0.9473272
6302319050	0.7751	0.9473272
6302321010	0.5537	0.6767321
6302321020	0.3876	0.4737247
6302321030	0.5537	0.6767321
6302321040	0.3876	0.4737247
6302321050	0.3876	0.4737247
6302321060	0.3876	0.4737247
6302322010	0.5537	0.6767321
6302322020	0.3876	0.4737247
6302322030	0.5537	0.6767321
6302322040	0.3876	0.4737247
6302322050	0.3876	0.4737247
6302322060	0.3876	0.4737247
6302390030	0.2215	0.2707173
6302402010	0.9412	1.1503346
6302511000	0.5537	0.6767321
6302512000	0.8305	1.0150371
6302513000	0.5537	0.6767321
6302514000	0.7751	0.9473272
6302593020	0.5537	0.6767321
6302600010	1.1073	1.3533421
6302600020	0.9966	1.2180445
6302600030	0.9966	1.2180445
6302910005	0.9966	1.2180445
6302910015	1.1073	1.3533421
6302910025	0.9966	1.2180445
6302910035	0.9966	1.2180445
6302910045	0.9966	1.2180445
6302910050	0.9966	1.2180445
6302910060	0.9966	1.2180445
6302931000	0.4429	0.5413124
6302932000	0.4429	0.5413124
6302992000	0.2215	0.2707173
6303191100	0.8859	1.0827470
6303910010	0.609	0.7443198
6303910020	0.609	0.7443198
6303921000	0.2768	0.3383050
6303922010	0.2768	0.3383050
6303922030	0.2768	0.3383050
6303922050	0.2768	0.3383050
6303990010	0.2768	0.3383050
6304111000	0.9966	1.2180445
6304113000	0.1107	0.1352975
6304190500	0.9966	1.2180445
6304191000	1.1073	1.3533421
6304191500	0.3876	0.4737247
6304192000	0.3876	0.4737247
6304193060	0.2215	0.2707173
6304200020	0.8859	1.0827470
6304200070	0.2215	0.2707173
6304910120	0.8859	1.0827470

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. Factor	Cents/kg.
6304910170	0.2215	0.2707173
6304920000	0.8859	1.0827470
6304996040	0.2215	0.2707173
6505001515	1.1189	1.3675196
6505001525	0.5594	0.6836987
6505001540	1.1189	1.3675196
6505002030	0.9412	1.1503346
6505002060	0.9412	1.1503346
6505002545	0.5537	0.6767321
6507000000	0.3986	0.4871689
9404901000	0.2104	0.2571509
9404908020	0.9966	1.2180445
9404908040	0.9966	1.2180445
9404908505	0.6644	0.8120297
9404908536	0.0997	0.1218533
9404909505	0.6644	0.8120297
9404909570	0.2658	0.3248608
9619002100	0.8681	1.0609918
9619002500	0.1085	0.1326087
9619003100	0.9535	1.1653677
9619003300	1.1545	1.4110299
9619004100	0.2384	0.2913725
9619004300	0.2384	0.2913725
9619006100	0.8528	1.0422922
9619006400	0.2437	0.2978501
9619006800	0.3655	0.4467141
9619007100	1.1099	1.3565198
9619007400	0.2466	0.3013945
9619007800	0.2466	0.3013945
9619007900	0.2466	0.3013945

* * * * *

Authority: 7 U.S.C. 2101–2118.

Dated: October 8, 2019.

Bruce Summers,

Administrator.

[FR Doc. 2019–22364 Filed 10–11–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3565

[Docket No. RHS–18–MFH–0027]

RIN 0575–AD12

Section 538 Guaranteed Rural Rental Housing Program Notice of Funding Availability Elimination

AGENCY: Rural Housing Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS or Agency) published a proposed rule December 12, 2018, proposing to amend its regulation to eliminate the requirement for the annual publication of Notice of Funding Availability (NOFA). Through this action, RHS finalizes the proposed rule without any substantive revisions.

DATES: Effective November 14, 2019.

FOR FURTHER INFORMATION CONTACT: Monica Cole, Finance and Loan Analyst, Multi-Family Housing Guaranteed Loan Division, Rural Housing Service, United States Department of Agriculture, STOP 0781—Room 1263S, 1400 Independence Avenue SW, Washington, DC 20250–0781, Telephone: (202) 720–1251 (this is not a toll-free number); email: *monica.cole@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background and Summary of Changes

The annual publication of the NOFA is currently required by 7 CFR part 3565. Section 538 of the Housing Act of 1949, as amended (42 U.S.C. 1490p) (Housing Act) broadly requires a publication of the availability of funds, application procedures, and selection criteria in the **Federal Register**, it does not require an annual NOFA. RHS is amending its regulation to align with the Housing Act requirements.

The delay caused by annually publishing a NOFA also creates problems regarding the timing of other funders' deadlines. The major funding source in the Section 538 portfolio is Low Income Housing Tax Credits (LIHTC). Of these properties that are financed with LIHTC, the LIHTC equity represents approximately 75 percent of the total development cost (TDC). Without the injection of LIHTC equity, rents would not be affordable to low income tenants. When developers use the Section 538 Guaranteed Rural Rental Housing (GRRH) program with LIHTC, they are required to submit a preliminary eligibility letter from Rural Development together with the LIHTC application. If the NOFA is published after the LIHTC application deadline, the developer will not be able to use LIHTC to finance the project.

In lieu of the NOFA process, the Section 538 GRRH program will continue to follow procedures similar to other Rural Development guaranteed loan programs and accept applications on a continuous basis. The Agency will make an announcement to the public when funds are available. Rural Development will use the standards from the last NOFA as published in the **Federal Register** on December 21, 2017 (82 FR 60579). If Rural Development chooses to change the selection and/or scoring criteria or fees charged in subsequent years, it will inform the public of those changes through additional Notices in the **Federal Register**.

Both Empowerment Zone (EZ) and Enterprise Community (EC) Initiatives have expired, so reference to those initiatives will also be removed from 7 CFR part 3565.

The Agency published a proposed rule on December 12, 2018 at 83 FR 64488–64490, proposing to amend its regulation to eliminate the requirement for the annual publication of the NOFA. One comment was received, and it was in support of the proposed regulatory change. Therefore, RHS is moving forward with finalizing this rule with only minor stylistic and grammatical changes that do not affect the substance of the proposed regulation.

Executive Order 12866—Classification

This final rule has been determined to be non-significant and; therefore, was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Authority

The GRRH program is administered subject to appropriations by the United States Department of Agriculture (USDA) as authorized under the Housing Act of 1949 as amended, Section 538, Public Law 106–569, 42 U.S.C. 1490 p-2.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1970, subpart A, ''Environmental Policies.'' RHS determined that this action does not constitute a major Federal action significantly affecting the quality of the environment. In accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

The rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature on this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program nor does it require any more action on the part of a small business than required of a large entity.

Executive Order 13132—Federalism

The policies contained in this rule do not have any substantial direct effect on

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. This rule does not impose substantial direct compliance costs on State and local Governments; therefore, consultation with States is not required.

Executive Order 12988—Civil Justice Reform

This rule has been reviewed under Executive Order 12988. In accordance with this rule: (1) Unless otherwise specifically provided, all State and local laws that conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division of USDA (7 CFR part 11) must be exhausted before bringing suit in court that challenges action taken under this rule.

Unfunded Mandate Reform Act (UMRA)

Title II of the UMRA, Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal Governments and on the private sector. Under section 202 of the UMRA, Federal Agencies generally must prepare a written statement, including cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal Governments, in the aggregate, or to the private sector, of $100 million or more in any one-year. When such a statement is needed for a rule, section 205 of the UMRA generally requires a Federal Agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal Governments or for the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by OMB and have been assigned OMB control number 0575–0189. This final rule contains no new reporting and recordkeeping requirements that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

E-Government Act Compliance

RHS is committed to complying with the E-Government Act by promoting the use of the internet and other Information Technologies in order to provide increased opportunities for citizen access to Government information, services, and other purposes.

Programs Affected

The program affected by this regulation is listed in the Catalog of Federal Domestic Assistance under numbers 10.438—Rural Rental Housing Guaranteed Loans (Section 538).

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This executive order imposes requirements on RHS in the development of regulatory policies that have tribal implications or preempt tribal laws. RHS has determined that the rule does not have a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian tribes. Thus, this rule is not subject to the requirements of Executive Order 13175. If tribal leaders are interested in consulting with RHS on this rule, they are encouraged to contact USDA's Office of Tribal Relations or Rural Development's Native American Coordinator at: *AIAN@usda.gov* to request such a consultation.

Executive Order 12372—Intergovernmental Consultation

These loans are subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. RHS conducts intergovernmental consultations for each loan in accordance with 2 CFR part 415, subpart C.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, familial/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at: *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992, submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

List of Subjects in 7 CFR Part 3565

Conflict of interest, Credit, Fair housing, Loan programs-housing and community development, Low and moderate-income housing, Manufactured homes, Mortgages, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, RHS amends 7 CFR part 3565 as follows:

PART 3565—GUARANTEED RURAL RENTAL HOUSING PROGRAM

■ 1. The authority citation for part 3565 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart A—General Provisions

§ 3565.3 [Amended]

■ 2. Amend § 3565.3 by removing the definition of ''NOFA.''

■ 3. Section 3565.4 is revised to read as follows:

§ 3565.4 Availability of assistance.

The Agency's authority to enter into commitments, guarantee loans, or

provide interest credits is limited to the extent that appropriations are available to cover the cost of the assistance. The Agency will notify the public of the availability of assistance, changes in application requirements, or changes in the fee structure.

■ 4. Amend § 3565.5 by revising paragraph (b) to read as follows:

§ 3565.5 Ranking and selection criteria.

* * * * *

(b) *Priority projects.* Priority will be given to projects: In smaller rural communities, in the neediest communities having the highest percentage of leveraging, having the lowest interest rate, having the highest ratio of 3–5-bedroom units to total units, or on tribal lands. In addition, the Agency may, at its sole discretion, set-aside assistance for or rank projects that meet important program goals. Assistance will include both loan guarantees and interest credits. Priority projects must compete for set-aside funds.

Subpart B—Guarantee Requirements

■ 5. Amend § 3565.53 by revising paragraph (c) to read as follows:

§ 3565.53 Guarantee fees.

* * * * *

(c) *Surcharge for guarantees on construction advances.* The Agency may, at its sole discretion, charge an additional fee on the portion of the loan advanced during construction. If applicable, this fee will be charged in advance at the start of construction.

Subpart C—Lender Requirements

§ 3565.104 [Amended]

■ 6. Amend § 3565.104 by removing the last sentence.

Subpart E—Loan Requirements

■ 7. Section 3565.210 is revised to read as follows:

§ 3565.210 Maximum interest rate.

The interest rate for a guaranteed loan must not exceed the maximum allowable rate specified by the Agency. This interest rate must be fixed over the term of the loan.

Subpart F—Property Requirements

■ 8. Section 3565.252 is revised to read as follows:

§ 3565.252 Housing types.

The property may include new construction or rehabilitation of existing structures. The units may be attached, detached, semi-detached, row houses, modular or manufactured houses, or multifamily structures. Manufactured housing must meet Agency requirements contained in 7 CFR part 1924, subpart A. The Agency will guarantee proposals for new construction or acquisition with moderate or substantial rehabilitation of at least $6,500 per dwelling unit. The portion of guaranteed funds available for acquisition with rehabilitation may be limited.

Subpart G—Processing Requirements

■ 9. Amend § 3565.302 by revising paragraph (b) introductory text to read as follows:

§ 3565.302 Allowable fees.

* * * * *

(b) *Agency fees.* The Agency will charge one or more types of fees deemed appropriate as reimbursement for reasonable and necessary costs incurred in connection with applications received from lenders. Agency fees may include, but are not limited to, the following:

* * * * *

Bruce W. Lammers,

Administrator, Rural Housing Service.

[FR Doc. 2019–22426 Filed 10–11–19; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0444; Product Identifier 2019–NM–028–AD; Amendment 39–19756; AD 2019–20–03]

RIN 2120–AA64

Airworthiness Directives; Various Transport Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for various transport airplanes. This AD was prompted by reports of smoke and fumes in the flight deck. This AD requires modification of certain universal serial bus (USB) receptacles located in the flight deck. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 19, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 15, 2019.

ADDRESSES: For service information identified in this final rule, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0444.

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–2019–0444; 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: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0259R1, dated February 7, 2019 (''EASA AD 2018–0259R1'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the following airplanes on which certain USB receptacles were installed using certain Fokker service information:

- Fokker Services B.V. Model F.27 Mark 050 airplanes.
- Fokker Services B.V. Model F28 Mark 3000 airplanes.
- Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes.
- Airbus SAS Model A318–111 airplanes.

• Airbus SAS Model A319–111, –112, –114, –115, and –132 airplanes.
• Airbus SAS Model A320–211, –212, –214, –231, –232, and –251N airplanes.
• Airbus SAS Model A321–211, –231, –232, –251N and –253N airplanes.
• Airbus SAS Model A330–202, –223, –243, –322 and –343 airplanes.
• Airbus SAS Model A340–312 and –313 airplanes.
• ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes.
• ATR—GIE Avions de Transport Régional Model ATR72–212 and –212A airplanes.
• The Boeing Company Model 737–300, –400, –500, –700, –800 and –900ER series airplanes.
• The Boeing Company Model 757–200 series airplanes.
• The Boeing Company Model 767–200 and –300 series airplanes.
• The Boeing Company Model 777–200LR series airplanes.
• Bombardier, Inc., Model CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes.
• Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes.
• Bombardier, Inc., Model DHC–8–202, –311, –315 and –402 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to various transport airplanes. The NPRM published in the **Federal Register** on June 24, 2019 (84 FR 29414). The NPRM was prompted by reports of smoke and fumes in the flight deck due to overheating of an Electronic Flight Bag (EFB) USB receptacle. The NPRM proposed to require modification of certain USB receptacles located in the flight deck.

The FAA is issuing this AD to address smoke and fumes in the flight deck, which could result in excessive flightcrew workload and injury to flight deck occupants. See the MCAI for additional background information.

Comments

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

Support for the NPRM

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

Request To Revise Applicability

NetJets submitted two requests to revise the applicability of the proposed AD. The commenter's first request was to exclude Bombardier Model CL–650 airplanes having serial numbers 6071 and subsequent. The commenter provided a page from the Bombardier Model CL–650 Illustrated Parts Catalog, which shows that the USB part number delivered on airplanes with those serial numbers is not the affected USB part number addressed in the proposed AD. The commenter submitted a subsequent request asking that all Model CL–650 airplanes be removed from the applicability of the proposed AD. The commenter stated that it had conducted additional research and provided a list of airplane models that have the affected USB part installed that was created by Fokker and only one Bombardier Model CL–650 airplane, having serial number (S/N) 5651, has the affected part installed.

The FAA acknowledges the commenter's observation that a limited number of Bombardier Model CL–650 airplanes (also known as Challenger 650 airplanes; a marketing designation for the Model CL–600–2B16 (604 Variant) airplanes beginning with S/N 6050 and subsequent) may have the affected part installed. However, the FAA does not agree with the commenter's request to revise the applicability of this AD. Since some of the CL–600–2B16 (604 Variant) airplanes may have the affected part installed, the requirements of this AD apply to those airplanes. The FAA has determined that it is the operators' responsibility to conduct the necessary review to determine if an airplane in its fleet is affected by the requirements of this AD. This AD applies to the airplanes identified in figure 1 to paragraph (c) of this AD, having an affected part (defined in paragraph (g) of this AD) installed as specified in the applicable service information identified in in figure 1 to paragraph (c) of this AD. The FAA has not revised this AD regarding this issue.

Request To Allow Records Review

NetJets requested that the proposed AD include a provision to allow operators to do a records review to determine which airplanes have the affected USB part installed.

The commenter provided pages from the Bombardier Model CL–650 Illustrated Parts Catalog and pointed out that specific serial numbers of Bombardier Model CL–650 airplanes were delivered with factory-installed USB ports and are not affected by the modification specified in the proposed AD.

The FAA acknowledges the commenter's request. However, while the manufacturers Illustrated Parts Catalog is a valuable tool for operators to order replacement parts, it is not an FAA approved document that identifies an airplane delivered type design configuration. A records review is one way of determining if the affected part is installed on an airplane if the review can conclusively identify the affected part. Paragraph (h) of this AD requires modification of affected parts; this AD does not specify any required method for determining that an affected part is installed on an airplane. Therefore, operators can do an appropriate records review or they can inspect the airplane to determine if the affected part is installed. The FAA has not revised this AD regarding this issue.

Request To Include Supplemental Type Certificate (STC) Number

Net Jets requested that the proposed AD include the STC number for any USB receptacle that was installed on an airplane using the FAA-approved STC process. The commenter observed that including the STC number would aid in its research to determine which airplanes in its fleet would be affected by the requirements specified in the proposed AD.

The FAA acknowledges the commenter's request. Figure 1 to paragraph (c) of this AD already includes the applicable STC numbers for USB receptacles installed using the FAA-approved STC process. Because a USB receptacle could have been installed using a means other than an STC, it is the operator's responsibility to conduct the review necessary to determine if an airplane in its fleet is affected by the requirements of this AD. The FAA has not revised this AD regarding this issue.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued the following service information, which describes procedures for modifying the electronic flight bag USB receptacles located in the flight deck, including current limiting and overheat protection. These documents are

distinct since they apply to different airplane models.

- Fokker Services F28 Generic Service Bulletin SBF28–46–002, Revision 0, dated July 27, 2018.
- Fokker Services F50/60 Generic Service Bulletin SBF50–46–006, Revision 0, dated July 27, 2018.
- Fokker Services F100/700 Generic Service Bulletin SBF100–46–008, Revision 0, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBA320–0167, Revision 2, Sequence 4, dated December 13, 2018.
- Fokker Services Engineering Bulletin EBA330–0011, Revision 0, Sequence 9, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBA340–0005, Revision 0, Sequence 8, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBAT72–0013, Revision 0, Sequence 7, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBB737–0156, Revision 3, Sequence 3, dated February 25, 2019.
- Fokker Services Engineering Bulletin EBB757–0020, Revision 1, Sequence 3, dated October 2, 2018.
- Fokker Services Engineering Bulletin EBB767–0023, Revision 1, Sequence 3, dated October 3, 2018.
- Fokker Services Engineering Bulletin EBB777–0009, Revision 1, Sequence 3, dated October 3, 2018.
- Fokker Services Engineering Bulletin EBCL60–0010, Revision 1, Sequence 3, dated August 30, 2018.
- Fokker Services Engineering Bulletin EBDHC8–0035, Revision 1, Sequence 4, dated December 13, 2018.

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

Costs of Compliance

The FAA estimates that this AD affects 14 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
3 work-hours × $85 per hour = $255	$0	$255	$3,570

* The FAA has received no definitive data on the parts costs for the required actions.

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 our 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):

2019–20–03 Transport Category Airplanes: Amendment 39–19756; Docket No. FAA–2019–0444; Product Identifier 2019–NM–028–AD.

(a) Effective Date

This AD is effective November 19, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in figure 1 to paragraph (c) of this AD, certificated in any category, having an affected part (defined in paragraph (g) of this AD) installed as specified in the applicable service information identified in figure 1 to paragraph (c) of this AD.

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Figure 1 to paragraph (c) – *Detailed Applicability*

Affected Airplanes, All Manufacturer Serial Numbers	Fokker Modification Service Bulletin (SB)/Engineering Bulletin (EB) Used to Install Affected Part
Fokker Services B.V. Model F.27 Mark 050 airplanes	SBF50-46-004
Fokker Services B.V. Model F28 Mark 3000 airplanes	SBF28-46-001
Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes	SBF100-46-003
Airbus SAS Model A318-111 airplanes; Model A319-111, -112, -114, -115, and -132 airplanes; Model A320-211, -212, -214, -231, -232, and -251N airplanes; and Model A321-211, -231, -232, -251N, and -253N airplanes	EBA319-0025 or -0032; EBA320-0044, -0049, -0059, -0064, -0095, -0097, -0105, -0108, -0124, -0126, -0139, -0140, -0141, -0145, -0150, -0156, -0158, -0160, or -0164
Airbus SAS Model A330-202, -223, -243, -322, and -343 airplanes	EBA330-0004, -0005, or -0007
Airbus SAS Model A340-312 and -313 airplanes	EBA340-0001 or -0004
ATR - GIE Avions de Transport Régional Model ATR42-500 airplanes; and Model ATR72-212 and -212A airplanes	EBAT72-0006, -0007, -0008, -0010, or -0011
The Boeing Company Model 737-300, -400, -500, -700, -800 and -900ER series airplanes	(EASA supplemental type certificate (STC) 10061825, which corresponds to FAA STC ST03939NY) EBB737-0008, -0021, -0022, -0023, -0025, -0031, -0032, -0041, -0044, -0046, -0052, -0068, -0070, -0071, -0088, -0094, -0096, -0098, -0099, -0108, -0113, -0123, -0124, -0133, -0140, -0143, -0147, -0148, -0149 or -0154
The Boeing Company Model 757-200 series airplanes	EBB757-0002, -0004, -0005, or -0010
The Boeing Company Model 767-200 and -300 series airplanes	EBB767-0003, -0004, -0006, -0008, -0009, -0010, -0011, -0014, -0015, or -0018
The Boeing Company Model 777-200LR series airplanes	EBB777-0005 or -0007
Bombardier, Inc., Model CL-600-2B16 (601-3A, 601-3R, and 604 Variants)	EBCL60-0005 or -0008

Affected Airplanes, All Manufacturer Serial Numbers	Fokker Modification Service Bulletin (SB)/Engineering Bulletin (EB) Used to Install Affected Part
airplanes; and Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) airplanes	
Bombardier, Inc., Model DHC-8-202, -311, -315, and -402 airplanes	(EASA STC 10046185, which corresponds to FAA STC ST03700NY) EBDHC8-0019, 022, -0031, or -0034

BILLING CODE 4910–13–C

(d) Subject

Air Transport Association (ATA) of America Code 46, Information systems.

(e) Reason

This AD was prompted by reports of smoke and fumes in the flight deck. The FAA is issuing this AD to address smoke and fumes in the flight deck, which could result in excessive flightcrew workload and injury to flight deck occupants.

(f) Compliance

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

(g) Definition

For the purpose of this AD, an ''affected part'' is a universal serial bus (USB) receptacle manufactured by Lone Star Aviation, Corporation, having part number LS03–05050–A.

(h) Modification

Within 12 months after the effective date of this AD, modify each affected part in accordance with the Accomplishment Instructions of the applicable Fokker Services B.V. service information identified in paragraphs (h)(1) through (13) of this AD.

(1) Fokker Services Engineering Bulletin EBA320–0167, Revision 2, Sequence 4, dated December 13, 2018.

(2) Fokker Services Engineering Bulletin EBA330–0011, Revision 0, Sequence 9, dated July 27, 2018.

(3) Fokker Services Engineering Bulletin EBA340–0005, Revision 0, Sequence 8, dated July 27, 2018.

(4) Fokker Services Engineering Bulletin EBAT72–0013, Revision 0, Sequence 7, dated July 27, 2018.

(5) Fokker Services Engineering Bulletin EBB737–0156, Revision 3, Sequence 3, dated February 25, 2019.

(6) Fokker Services Engineering Bulletin EBB757–0020, Revision 1, Sequence 3, dated October 2, 2018.

(7) Fokker Services Engineering Bulletin EBB767–0023, Revision 1, Sequence 3, dated October 3, 2018.

(8) Fokker Services Engineering Bulletin EBB777–0009, Revision 1, Sequence 3, dated October 3, 2018.

(9) Fokker Services Engineering Bulletin EBCL60–0010, Revision 1, Sequence 3, dated August 30, 2018.

(10) Fokker Services Engineering Bulletin EBDHC8–0035, Revision 1, Sequence 4, dated December 13, 2018.

(11) Fokker Services F28 Generic Service Bulletin SBF28–46–002, Revision 0, dated July 27, 2018.

(12) Fokker Services F50/60 Generic Service Bulletin SBF50–46–006, Revision 0, dated July 27, 2018.

(13) Fokker Services F100/700 Generic Service Bulletin SBF100–46–008, Revision 0, dated July 27, 2018.

(i) Parts Installation Prohibition

After modification of an airplane as required by paragraph (h) of this AD, no person may install an affected part on that airplane.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraphs (j)(1) through (7) of this AD.

(1) Fokker Services Engineering Bulletin EBA320–0167, Revision 1, dated August 30, 2018.

(2) Fokker Services Engineering Bulletin EBDHC8–0035, Revision 0, dated July 27, 2018.

(3) Fokker Services Engineering Bulletin EBB737–0156, Revision 1, dated August 30, 2018.

(4) Fokker Services Engineering Bulletin EBB737–0156, Revision 2, dated October 3, 2018.

(5) Fokker Services Engineering Bulletin EBB757–0020, Revision 0, dated July 27, 2018.

(6) Fokker Services Engineering Bulletin EBB767–0023, Revision 0, dated July 27, 2018.

(7) Fokker Services Engineering Bulletin EBB777–0009, Revision 0, dated July 27, 2018.

(k) 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 (l)(2) 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 corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Fokker Services B.V.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0259R1, dated February 7, 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–2019–0444.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (4) of this AD.

(m) Material Incorporated by Reference

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

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

(i) Fokker Services Engineering Bulletin EBA320–0167, Revision 2, Sequence 4, dated December 13, 2018.

(ii) Fokker Services Engineering Bulletin EBA330–0011, Revision 0, Sequence 9, dated July 27, 2018.

(iii) Fokker Services Engineering Bulletin EBA340–0005, Revision 0, Sequence 8, dated July 27, 2018.

(iv) Fokker Services Engineering Bulletin EBAT72–0013, Revision 0, Sequence 7, dated July 27, 2018.

(v) Fokker Services Engineering Bulletin EBB737–0156, Revision 3, Sequence 3, dated February 25, 2019.

(vi) Fokker Services Engineering Bulletin EBB757–0020, Revision 1, Sequence 3, dated October 2, 2018.

(vii) Fokker Services Engineering Bulletin EBB767–0023, Revision 1, Sequence 3, dated October 3, 2018.

(viii) Fokker Services Engineering Bulletin EBB777–0009, Revision 1, Sequence 3, dated October 3, 2018.

(ix) Fokker Services Engineering Bulletin EBCL60–0010, Revision 1, Sequence 3, dated August 30, 2018.

(x) Fokker Services Engineering Bulletin EBDHC8–0035, Revision 1, Sequence 4, dated December 13, 2018.

(xi) Fokker Services F28 Generic Service Bulletin SBF28–46–002, Revision 0, dated July 27, 2018.

(xii) Fokker Services F50/60 Generic Service Bulletin SBF50–46–006, Revision 0, dated July 27, 2018.

(xiii) Fokker Services F100/700 Generic Service Bulletin SBF100–46–008, Revision 0, dated July 27, 2018.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.*

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

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

Issued in Des Moines, Washington, on September 27, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–22389 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0693; Product Identifier 2017–NE–43–AD; Amendment 39–19758; AD 2019–20–05]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding airworthiness directive (AD) 2018–15–01 for certain Rolls-Royce plc (RR) Trent 1000–A, Trent 1000–C, Trent 1000–D, Trent 1000–E, Trent 1000–G, Trent 1000–H, Trent 1000–A2, Trent 1000–C2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines. AD 2018–15–01 required certain engines susceptible to intermediate-pressure turbine (IPT) blade failure not be installed on an airplane together with other engines with IPT blades of the same cyclic life. This AD requires removal of the IPT blade set at lower cyclic life limits and replacing it with a blade set eligible for installation. This AD also expands the applicability to include additional Trent 1000 turbofan engine models. This AD was prompted by the determination that certain IPT blades are susceptible to shank corrosion which leads to cracking and possible blade separation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 30, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 30, 2019.

The FAA must receive any comments on this AD by November 29, 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:* 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 AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* internet: *https://customers.rolls-royce.com/public/rollsroycecare.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0693.

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–2019–0693; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), 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: Martin Adler, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7157; email: *martin.adler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued AD 2018–15–01, Amendment 39–19333 (83 FR 34755, July 23, 2018), (''AD 2018–15–01''), for certain RR Trent 1000–A, Trent 1000–C, Trent 1000–D, Trent 1000–E, Trent 1000–G, Trent 1000–H, Trent 1000–A2, Trent 1000–C2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines. AD 2018–15–01 prohibited the installation of engines susceptible to IPT blade failure on an airplane together with other engines with IPT blades of the same cyclic life. AD 2018–15–01 resulted from new operating restrictions

for engines with IPT blades susceptible to shank corrosion and possible blade separation. The FAA issued AD 2018–15–01 to prevent the simultaneous failure of both engines.

Actions Since AD 2018–15–01 Was Issued

Since the FAA issued AD 2018–15–01, RR determined that unless new IPT blades are installed in accordance with RR Service Bulletin (SB) Trent 1000 72–H818, dated November 14, 2016, or RR SB Trent 1000 72–J559, dated November 27, 2017, each engine must remain subject to specific maintenance intervals to minimize the risk of IPT blade release. Both SBs introduced new IPT blades not subject to this AD. RR SB Trent 1000 72–J559 also applies to additional RRD Trent 1000 engines (Trent 1000 TEN engine standard). RR subsequently transferred its FAA type certificate for the subject model engines to Rolls-Royce Deutschland Ltd & Co KG (RRD).

Also, since the FAA issued AD 2018–15–01, the European Union Aviation Safety Agency (EASA) issued EASA AD No. 2019–0135, dated June 11, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or the ''MCAI''). The MCAI states:

Occurrences were reported of IPTB [IPT blade] shank cracking. Analysis shows that this kind of failure is due to sulphidation corrosion.

This condition, if not corrected, could lead to IPTB shank release, possibly resulting in engine in-flight shut-down (IFSD) and consequent reduced control of the aeroplane.

Prompted by these events, Rolls-Royce identified engines with a high level of sulphidation exposure using a corrosion fatigue life (CFL) model. Consequently, EASA issued AD 2017–0056 to require removal from service of certain engines, to be corrected in shop. In addition, to reduce the risk of dual IFSD, it was decided to introduce a new cyclic life limit to certain engines, determining when an engine can no longer be installed on an aeroplane in combination with certain other engines. Consequently, EASA issued Emergency AD 2017–0253–E, AD 2018–0086, and finally AD 2018–0139, each next AD superseding the previous one, to require de-pairing of the affected engines.

After EASA AD 2018–0139 was issued, prompted by further analyses of data provided by operators, Rolls-Royce developed an updated service management approach to minimise the risk of IPTB release and issued the NMSB, identifying those ESN at highest risk, and providing the corresponding cyclic limits for in-shop IPTB replacement. Consequently, EASA issued AD 2018–0257, superseding EASA AD 2017–0056 and AD 2018–0139, to require removal from service of certain engines, to be corrected in shop. That AD also required, for engines having SUM IPTB installed, the introduction of IPTB cyclic limits. Finally, that AD retained the optional terminating action as previously provided by EASA AD 2018–0139.

Since that AD was issued, it was determined that, unless mod/SB 72–H818 or mod/SB 72–J559 is embodied, each engine must remain subject to service management to minimise the risk of IPTB release. Rolls-Royce mod/SB 72–J559 applies to the Trent 1000 TEN engine standard, introducing IPTB P/N KH71526 and additional IPTB coating.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2018–0257, which is superseded, expands the Applicability by including Trent 1000 TEN engine models, and including reference to the NMSB, as defined in this AD.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0693.

Related Service Information Under 1 CFR Part 51

The FAA reviewed RR Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AK186, Revision 2, dated April 16, 2019. This service information establishes cyclic life limits for IPT blades and specifies removing RRD Trent 1000 engines with IPT blades that have a cyclic life exceeding the new cyclic life limits.

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 reviewed RR NMSB Trent 1000 72–J442, Revision 3, dated October 8, 2018, and RR NMSB Trent 1000 72–J465, Revision 4, dated October 8, 2018. These NMSBs both describe procedures, as applicable to different sets of RRD Trent 1000 model turbofan engines, for cleaning and inspecting affected IPT blades so that they are suitable for reuse.

The FAA also reviewed RR SB Trent 1000 72–H818, dated November 14, 2016, and RR SB Trent 1000 72–J559, dated November 27, 2017. RR SB Trent 1000 72–H818 introduced a new IPT blade that is less susceptible to shank corrosion. RR SB Trent 1000 72–J559 introduced a new IPT blade with additional blade coating and applies to additional Trent 1000 engines (Trent 1000 TEN engine standard).

FAA's Determination

This product has been approved by EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Union, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this AD because it evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires removal of the IPT blade set at lower cyclic life limits and its replacement with a blade set eligible for installation for affected RRD Trent 1000 model turbofan engines.

FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, the FAA finds that notice and opportunity for prior public comment are unnecessary. In addition, for this same reason, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2019–0693 and product identifier 2017–NE–43–AD at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule 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 final rule.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 0 engines installed on airplanes of U.S. registry.

In the event an affected engine becomes installed on a U.S.-registered product, the FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace IPT blades	48 work-hours × $85 per hour = $4,080	$100,000	$104,080	$0

Authority for this Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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) 2018–15–01, Amendment 39–19333 (83 FR 34755, July 23, 2018), and adding the following new AD:

2019–20–05 Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc) Turbofan Engines: Amendment 39–19758; Docket No. FAA–2019–0693; Product Identifier 2017–NE–43–AD.

(a) Effective Date

This AD is effective October 30, 2019.

(b) Affected ADs

This AD replaces AD 2018–15–01, Amendment 39–19333 (83 FR 34755, July 23, 2018).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd. & Co KG (Type Certificate previously held by Rolls-Royce plc) (RRD) Trent 1000–A, Trent 1000–A2, Trent 1000–AE, Trent 1000–AE2, Trent 1000–AE3, Trent 1000–C, Trent 1000–C2, Trent 1000–CE, Trent 1000–CE2, Trent 1000–CE3, Trent 1000–D, Trent 1000–D2, Trent 1000–D3, Trent 1000–E, Trent 1000–E2, Trent 1000–G, Trent 1000–G2, Trent 1000–G3, Trent 1000–H, Trent 1000–H2, Trent 1000–H3, Trent 1000–J2, Trent 1000–J3, Trent 1000–K2, Trent 1000–K3, Trent 1000–L2, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3 and Trent 1000–R3 model turbofan engines, with an engine serial number (ESN) listed in Appendix 1, 2, or 3 of Rolls-Royce plc (RR) Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AK186, Revision 2, dated April 16, 2019, except those engines that have incorporated the modifications in RR Service Bulletin (SB) Trent 1000 72–H818, dated November 14, 2016, or RR SB Trent 1000 72–J559, dated November 27, 2017.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Engine, Turbine Section.

(e) Unsafe Condition

This AD was prompted by the determination that certain intermediate-pressure turbine (IPT) blades are susceptible to shank corrosion which leads to cracking and possible blade separation. The FAA is issuing this AD to prevent the simultaneous failure of both engines installed on an airplane, during flight. The unsafe condition, if not addressed, could result in a dual engine in-flight shutdown and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For engines with an ESN listed in Appendix 1 of RR Alert NMSB Trent 1000 72–AK186, Revision 2, dated April 16, 2019 (''RR Alert NMSB Trent 1000 72–AK186''), prior to reaching the blade cycle life limit listed in Appendix 1 of RR Alert NMSB Trent 1000 72–AK186, or within 30 days of the effective date of this AD, whichever occurs later, remove the IPT blade set and replace with an IPT blade set eligible for installation.

(2) For engines with an ESN listed in Appendix 2 of RR Alert NMSB Trent 1000 72–AK186:

(i) If the engine is in an engine shop visit on the effective date of this AD, remove the IPT blade set and replace with an IPT blade set eligible for installation prior to returning the engine to service; or

(ii) If the engine is not in an engine shop visit on the effective date of this AD and the IPT blade set was not replaced during the previous engine shop visit, remove the IPT blade set and replace with an IPT blade set eligible for installation within 30 days of the effective date of this AD.

(3) For engines that have replaced the IPT blade set per RR NMSB Trent 1000 72–J442, Revision 3, dated October 8, 2018, or RR NMSB Trent 1000 72–J465, Revision 4, dated October 8, 2018, as applicable, remove and replace those blades prior to reaching the ''Permitted Cycles of operation since installation in accordance with NMSB 72–J442 or 72–J465'' listed in Appendix 3 of RR Alert NMSB Trent 1000 72–AK186, as applicable for each ESN, or within 30 days of the effective date of this AD, whichever occurs later.

Note 1 to paragraph (g): An IPT blade set eligible for installation is a full set of new IPT blades, or a full set of blades that have been inspected per RR NMSB Trent 1000 72–J442, Revision 3, dated October 8, 2018, or RR NMSB Trent 1000 72–J465 Revision 4, October 8, 2018, as applicable by engine model.

(h) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Martin Adler, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7157; email: *martin.adler@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2019–0135, dated June 11, 2019, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2019–0693.

(k) Material Incorporated by Reference

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

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

(i) Rolls-Royce plc (RR) Alert Non-Modification Service Bulletin Trent 1000 72–AK186, Revision 2, dated April 16, 2019.

(ii) [Reserved]

(3) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* internet: *https://customers.rolls-royce.com/public/rollsroycecare.*

(4) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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

Issued in Burlington, Massachusetts, on October 3, 2019.

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019–22323 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR 902.1

50 CFR Part 679

[Docket No. 191004–0055]

RIN 0648–BI53

Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Deck Sorting Monitoring Requirements for Trawl Catcher/Processors Operating in Non-Pollock Groundfish Fisheries off Alaska

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement catch handling and monitoring requirements to allow Pacific halibut (halibut) bycatch to be sorted on the deck of trawl catcher/processors (C/Ps) and motherships participating in the non-pollock groundfish fisheries off Alaska. Halibut bycatch must be discarded and returned to the sea with a minimum of injury in the directed groundfish fisheries in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) management areas. This final action includes additional minor regulatory changes that improve consistency and clarity of existing regulations, removes unnecessary and outdated regulations, and updates cross references to reflect these new regulations. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Fishery Management Plan (FMP) for Groundfish of the GOA (GOA FMP), the FMP for Groundfish of the BSAI Management Area (BSAI FMP), and other applicable law.

DATES: This rule is effective November 14, 2019.

ADDRESSES: Electronic copies of the Regulatory Impact Review (referred to as the ''Analysis''), the Categorical Exclusion prepared for this action, and the proposed rule may be obtained from *https://www.regulations.gov* or from the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted by mail to NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668; by email to *OIRA_Submission@omb.eop.gov;* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Joseph Krieger, 907–586–7228 or *joseph.krieger@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Authority for Action

NMFS manages the groundfish fisheries in the exclusive economic zone under the GOA FMP and under the BSAI FMP. The North Pacific Fishery Management Council (Council) prepared these FMPs under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the Magnuson-Stevens Act are located at 50 CFR parts 600 and 679.

NMFS published the proposed rule for this action on April 16, 2019 (84 FR 15566), with comments invited through May 16, 2019.

NMFS received two letters with eight distinct comments during the comment

period. A summary of these comments and the responses by NMFS are provided under the heading ''Response to Comments'' below.

II. Background

The International Pacific Halibut Commission (IPHC) and NMFS manage halibut fisheries through regulations established under the authority of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773k). The IPHC adopts regulations governing the target fishery for halibut under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). For the United States, regulations governing the fishery for Pacific halibut developed by the IPHC are subject to acceptance by the Secretary of State with concurrence from the Secretary of Commerce. After acceptance by the Secretary of State and the Secretary of Commerce, NMFS publishes the IPHC regulations in the **Federal Register** as annual management measures pursuant to 50 CFR 300.62. The final rule implementing IPHC regulations for 2019 published on March 14, 2019 (84 FR 9243).

NMFS has implemented regulations that limit the amount of halibut bycatch in the directed groundfish fisheries in the BSAI and GOA. Regulations establish specific limits on the amount of halibut bycatch, prohibited species catch (PSC) limits, in specific groundfish fisheries in the BSAI and GOA. These PSC limits are based on the amount of halibut discard mortality estimated under specific monitoring procedures.

In recent years, catch limits for the commercial halibut fishery in the BSAI and GOA have declined in response to changing halibut stock conditions. Most recently, NMFS implemented Amendment 111 to the BSAI FMP (81 FR 24714, April 27, 2016) and Amendment 95 to the GOA FMP (79 FR 9625, February 20, 2014) to further reduce PSC limits for Pacific halibut in the BSAI and GOA groundfish fisheries.

In this action, NFMS implements regulations for catch handling and monitoring requirements to allow halibut bycatch to be sorted on the deck of trawl C/Ps and motherships when operating in the non-pollock groundfish fisheries off Alaska. The monitoring requirements have been developed and tested on vessels participating in the non-pollock groundfish fisheries. The harvest of non-pollock groundfish fisheries may be limited by existing halibut PSC limits, and participating vessels are operationally different than vessels participating in pollock fisheries. As such, the scope of this action is limited to vessels participating in the non-pollock groundfish fisheries. This final rule does not modify existing halibut PSC limits, but it does allow halibut to be discarded faster than allowed under current monitoring requirements, which could reduce halibut discard mortality. Reducing halibut discard mortality could maximize prosecution of the directed non-pollock groundfish fisheries that otherwise might be constrained by halibut PSC limits, and may also benefit vessels participating in the directed halibut fishery by returning more live halibut to the water.

This final rule will allow any trawl C/P or mothership operating in the non-pollock groundfish fishery to participate in deck sorting provided it adheres to all requirements. Three categories of C/Ps and motherships are most likely to participate in deck sorting in the non-pollock groundfish fisheries as their existing monitoring requirements are most similar to those included in this action: (1) Vessels operating in the non-pollock groundfish fisheries in the BSAI and GOA under the Amendment 80 Program (72 FR 52667, September 14, 2007); (2) vessels harvesting non-pollock groundfish in the BSAI under the Western Alaska Community Development Quota (CDQ) Program; and (3) C/Ps and motherships harvesting non-pollock groundfish in the BSAI trawl limited access sector (TLAS).

A. The Affected Fisheries

1. Amendment 80 Sector

The BSAI non-pollock groundfish fishery has been prosecuted mostly by a fleet of trawl C/Ps. These C/Ps are managed under the Amendment 80 Program. The Amendment 80 Program is a catch share program that allocates several BSAI non-pollock trawl species among fishing sectors, and facilitates the formation of harvesting cooperatives in the non-American Fisheries Act (AFA) trawl C/P sector. The AFA is a limited access program for Bering Sea pollock implemented by statute in 1998 (Pub. L. 105–277, 16 U.S.C. 1851 statutory note).

The Amendment 80 sector is composed of 28 C/Ps with history of harvesting non-pollock groundfish in the BSAI. The Amendment 80 cooperatives and vessels receive allocations of Pacific halibut and crab PSC limits while fishing in the BSAI to constrain bycatch, or unintended take, of these species while harvesting groundfish. These voluntary harvest cooperatives coordinate use of the target allocations, incidental catch allowances, and prohibited species allocations among active member vessels.

Some Amendment 80 vessels also participate in the Central GOA Rockfish Program (Rockfish Program). This final rule allows for vessels to deck sort halibut PSC while participating in the Rockfish Program (76 FR 81248, December 27, 2011).

2. BSAI TLAS

When the Amendment 80 Program was implemented, it allocated specific amounts of Amendment 80 species, including PSC species, to non-Amendment 80 vessels that comprise the BSAI TLAS. The BSAI TLAS includes AFA C/Ps, AFA catcher vessels, and other non-AFA catcher vessels. The BSAI TLAS comprises all the trawl vessels in the BSAI except the Amendment 80 C/Ps. The BSAI TLAS fishery provides harvesting opportunities of some Amendment 80 species by non-Amendment 80 vessels.

Under this final rule, AFA vessels will not be eligible to participate in halibut deck sorting when operating in pollock fisheries. However, vessels participating in the BSAI TLAS fishery—which may include AFA vessels—may choose to participate in halibut deck sorting when operating in non-pollock fisheries in the BSAI TLAS.

3. The CDQ Sector

The CDQ sector includes all trawl and non-trawl vessels that harvest groundfish under the CDQ Program. The CDQ Program consists of six different non-profit managing organizations (CDQ groups) representing different geographical regions in Alaska. Each CDQ group receives an apportionment of the halibut PSC limit as halibut prohibited species quota (PSQ), which is a specific amount of halibut that vessels fishing for that CDQ group may use in a year. The CDQ group manages the use of its halibut PSQ apportionment. The CDQ group has the responsibility to ensure that the vessels fishing its CDQ groundfish allocation do not use halibut PSQ in excess of the amount of the CDQ group's halibut PSQ.

B. Halibut PSC Management

Halibut PSC management is described in the preamble to the proposed rule for this action (84 FR 15566, April 16, 2019).

III. Current Monitoring Requirements

Current monitoring requirements are designed to allow observers to collect data and monitor for compliance as

necessary for the conservation, management, and scientific understanding of the non-pollock groundfish trawl fisheries in the BSAI and GOA. Observers have sampled catch in the Alaska Federal groundfish fisheries since the early 1990s and have routinely collected lengths, weights, and viability metrics of the sampled catch. Amendment 80 C/Ps, C/Ps acting as motherships, and C/Ps managed under the Rockfish Program are required to carry two observers, one of which must have a lead level 2 endorsement for a C/P using trawl gear or mothership. A summary of monitoring requirements follows. Additional information is in the preamble to the proposed rule for this action (84 FR 15566, April 16, 2019).

NMFS uses observer data to provide reliable estimates of allocated species in catch share fisheries and reliable estimates of total catch and bycatch in non-catch share fisheries. Since 1999, vessels participating in groundfish catch share programs have been required to comply with additional monitoring requirements. Monitoring requirements may be imposed by NMFS or developed in consultation with the Council. These monitoring requirements are necessary because of the unique incentives to misreport catch that are created by the act of assigning quota, and therefore accountability, to individual entities (cooperatives or vessels). Vessels affected by this action participate in catch share and non-catch share fisheries including Amendment 80 Program, BSAI TLAS, and groundfish CDQ fisheries. Observer information is used in the NMFS Catch Accounting System to monitor catch of target and bycatch species on a daily basis. Current monitoring requirements for C/Ps and motherships participating in the non-pollock groundfish fisheries off Alaska vary, depending upon the specific fishery in which the vessel is participating. Each catch share program includes monitoring requirements designed to ensure that observer data produce reliable catch and bycatch estimates of allocated species.

A. Monitoring and Enforcement Tools

Before catch is sorted or discarded on any trawl vessel, at-sea observers must collect data necessary to estimate halibut and groundfish catch amounts. Current halibut discard requirements state that an observer must first have access to sample the catch prior to sorting and discard. Observers sample the species composition of catch, and NMFS estimates the ratio of halibut to groundfish from each haul sampled and applies it to the official total catch of groundfish for each sampled haul. Once the estimated halibut catch for every haul is calculated, discard mortality rates (DMRs) are applied to calculate the amount of halibut PSC mortality accrued.

B. Equipment Requirements

Current vessel equipment requirements are described in the preamble to the proposed rule for this action (84 FR 15566, April 16, 2019).

IV. Need for This Action

Amendment 111 to the BSAI FMP, published on April 27, 2016 (81 FR 24714), reduced halibut PSC limits in the BSAI groundfish fisheries in four groundfish sectors: The Amendment 80 sector; the BSAI TLAS (all non-Amendment 80 trawl fishery participants); the non-trawl sector (primarily hook-and-line C/Ps); and the CDQ Program. The purpose of Amendment 111 was to decrease BSAI halibut PSC to the extent practicable by the BSAI groundfish fisheries while continually achieving optimum yield from the BSAI groundfish fisheries.

Similarly, Amendment 95 to the GOA FMP, published on March 24, 2014 (79 FR 9625), reduced halibut PSC limits in the GOA groundfish fisheries in three sectors: The hook-and-line C/P sector, the hook-and-line catcher vessel sector, and the trawl sector. The purpose of Amendment 95 was to minimize halibut bycatch in the GOA to the extent practicable, while at the same time achieving optimum yield from the GOA groundfish fishery.

By reducing halibut PSC, the final rules for Amendment 111 and Amendment 95 aimed to increase harvest opportunities for the directed halibut fisheries. However, these reductions increased the potential for the halibut PSC limit to constrain the harvest of allocated species in groundfish fisheries, thereby potentially reducing the overall economic benefit of the fisheries if the directed fisheries were closed prior to harvesting all the allocated species.

Under current monitoring requirements for most vessels participating in the non-pollock groundfish fisheries, all halibut must be weighed along with the rest of the unsorted catch and made available for sampling by an observer prior to discard. This means that all halibut enter the fish bin and are weighed in the factory prior to observer data collection and discard, resulting in high DMRs. For several years, experiments conducted through Exempted Fishing Permits (EFPs) have tested procedures to reduce halibut discard mortality by sorting. Results from these EFPs suggest that substantial amounts of halibut can be returned to the water alive and provide for additional harvest opportunity for the directed halibut fisheries. See Section 1.3.5 of the Analysis for additional detail on halibut deck sorting EFPs.

In order to accurately account for halibut sorted on deck during EFP fishing, additional catch handling and monitoring requirements were necessary to ensure that an observer had access to all halibut sorted on deck, as well as all other catch in the factory, for the collection of data and sampling. These requirements were necessary to ensure that observer data resulted in reliable estimates of catch and bycatch, as well as mitigated safety risks due to additional time spent on deck.

V. This Final Rule

This final rule implements catch handling and monitoring requirements to allow halibut PSC to be sorted on the deck of trawl C/Ps and motherships participating in the non-pollock groundfish fisheries off Alaska. NMFS and EFP participants worked together to develop and test the monitoring and enforcement requirements required during EFP fishing and implemented with this final rule. These requirements allow halibut to be returned to the water faster while also ensuring that observer data continue to result in reliable estimates of halibut incidental catch rate and viability. Participation in halibut deck sorting is voluntary. However, any vessel choosing to participate in halibut deck sorting will be required to comply with all applicable monitoring requirements.

This final rule adds subpart K, § 679.120—Halibut Deck Sorting, to part 679 to specify halibut deck sorting catch handling and monitoring requirements. Additionally, existing catch handling and monitoring regulations are modified as necessary to be consistent with the catch handling and monitoring requirements included in this final rule. In addition to the primary action, this final rule also changes observer sampling station inspection requirements in Federal groundfish fisheries and makes minor changes to bin monitoring requirements for the Amendment 80 fleet. This final rule also makes minor changes in terminology, reorganizes regulatory text, and makes other technical changes that are described below.

A. Halibut Deck Sorting

This final rule defines the term ''Halibut Deck Sorting'' at § 679.2. The term ''Halibut Deck Sorting'' is used to specify the activity of separating or

removing halibut from the catch on deck, prior to fish entering the fish bin.

1. Monitoring and Enforcement Tools

a. Observer Coverage

This final rule adds requirements at § 679.51(a)(2)(vi)(F) to specify observer coverage requirements for vessels participating in halibut deck sorting. Vessels are required to carry on board at least two observers at all times when participating in halibut deck sorting. One of these observers must be endorsed as a lead level 2 observer. More than two observer are required if the observer workload restriction would otherwise preclude sampling as required, such as if an observer was needed to work longer than a 12 hour shift in order to monitor halibut deck sorting and/or fish being passed over the flow scale in the factory.

b. Observer Access to Catch

This final rule establishes prohibitions specific to halibut deck sorting at § 679.7(e). These regulations specify that when a vessel participates in halibut deck sorting, fish must not be spilled from the codend; halibut must not be sorted, discarded, or weighed on a NMFS-approved scale unless an observer is present on deck; and the vessel is in compliance with the requirements of § 679.120, which describe the vessel, crew, and catch handling and monitoring requirements for participation in halibut deck sorting. In addition, § 679.7(e) prohibits catch from being weighed on flow scales in the factory when the observer is monitoring halibut deck sorting, unless three or more observers are present on the vessel and at least two observers are on duty. In these circumstances, one observer will be required to monitor deck-sorting while another observer will be required to monitor the flow scale in the factory.

c. Pre-Cruise Meeting

This final rule establishes requirements specific to halibut deck sorting at § 679.120(c) that require vessel owners and operators who choose to halibut deck sort to notify the North Pacific Observer Program (Observer Program) to schedule a pre-cruise meeting when they have an observer on board who has not previously been on board within the last 12 months. This meeting must minimally include the vessel operator or manager and any observer(s) assigned to the vessel. This requirement differs from pre-cruise meeting requirements under the EFP that did not require vessel owners and operators choosing to halibut deck sort to notify the Observer Program when they had on board an observer who had not previously been on board within the last 12 months.

d. Deck Safety Plan

This final rule adds requirements at § 679.120(d) to establish a Deck Safety Plan. Vessel owners and operators must develop an approved Deck Safety Plan prior to participating in halibut deck sorting. This Deck Safety Plan must be approved annually by NMFS. If the vessel owner or operator wishes to change an existing Deck Safety Plan, the vessel owner or operator may submit proposed changes in writing, and any changes must be approved by NMFS. Mandatory components of this Deck Safety Plan include a description of safe routes for the observer to access and/or leave the deck sampling station during gear retrieval and movement; description of hazardous areas and potentially hazardous conditions on deck the observer should be aware of; a list of personal protective equipment that must be worn by the observer while on deck; and a description of communication procedures to inform the observer when it is safe to access the deck, in order to ensure that the observer remains safe while working on the deck.

Vessel owners and operators will also be required to provide observers with a copy of the NMFS-approved Deck Safety Plan and conduct a deck sorting safety meeting prior to embarking on a trip when any one of the following—observer, vessel operator, or key crew member that will be responsible for providing notification or reasonable assistance during halibut deck sorting—boards the vessel. All elements of the vessel's Deck Safety Plan must be reviewed with the observer during this meeting.

If NMFS disapproves a Deck Safety Plan, the vessel owner and operator may resubmit a revised Deck Safety Plan or file an administrative appeal as set forth under the administrative appeals procedures set out at 15 CFR part 906.

e. Vessel Operator Requirements

This final rule adds several requirements at § 679.120(e). Vessel operators must notify the observer on duty at least 15 minutes prior to bringing fish on board that halibut deck sorting will occur. From the time the vessel operator notifies the observer that halibut deck sorting will occur until the codend from that haul is opened on deck, the vessel operator may choose not to engage in halibut deck sorting. Catch in the factory cannot be weighed during halibut deck sorting activities unless, as explained above, an additional observer is available to complete data collection duties in the factory. Vessels will be required to devise and use a visual signal to communicate to the crew when catch may not be weighed during deck sorting activities.

Each vessel's Observer Sampling Station Inspection Report will indicate the time limit for halibut deck sorting activities. The time limit may be vessel specific and will be based on factors including, but not limited to, deck space and configuration, and the best available halibut viability information. This time limit begins when the codend is opened on deck and must not exceed the time limit indicated on the Observer Sampling Station Inspection Report. When the time limit is reached, all halibut deck sorting must stop. After the time limit for halibut deck sorting is reached, all halibut not sampled by the observer on deck must be transferred to the live tank(s) and passed over the flow scale in the factory. In the future, the time limit may change in order to account for changes in vessel configuration, sampling technologies, and as new information on halibut viability becomes available. Observer Sampling Station Inspection Reports will be issued annually by NMFS.

This final rule adds § 679.51(e)(1)(viii)(G) to require vessel operators to provide reasonable assistance to observers during halibut deck sorting. When halibut deck sorting, vessel operators and crew will be required to provide halibut sorted on the deck to the observer, in order to facilitate timely sampling by the observer and reduce delays in onboard factory processing of fish.

2. Equipment Requirements

a. Motion Compensated At-Sea Flow Scale and Observer Sampling Station

This final rule modifies existing catch weighing and data sources requirements at §§ 679.32(c)(3)(i)(C)(*4*), 679.63(a)(1), 679.84(c)(1), and 679.93(c)(1) to add catch weighing requirements for C/Ps and motherships participating in halibut deck sorting in the Amendment 80 sector, BSAI TLAS, CDQ sector, and Rockfish Program fisheries. These modifications remove the requirement for halibut sorted on deck to be weighed on a NMFS-approved flow scale prior to discard.

This final rule modifies regulations specifying methods used for CDQ catch estimation on C/Ps and motherships using trawl gear at § 679.32(c)(3)(ii)(C) to accurately describe catch accounting data sources including when halibut

deck sorting occurs during groundfish CDQ fishing.

This final rule also modifies § 679.28(d)(9) to outline and define requirements for an observer deck sampling station that must be on board motherships and C/Ps participating in halibut deck sorting described at § 679.120. The observer deck sampling station must be located on deck and will be required in addition to the observer sampling station in the factory. The observer deck sampling station must meet specifications and requirements similar to the existing observer sampling station, with the exception that vessels participating in halibut deck sorting will be required to have only a single pathway for halibut to be conveyed to an observer at an observer deck sampling station, as well as a single point of discard after each work table that is visible to the observer collecting the data on discarded halibut.

b. Video Monitoring

This final rule adds video monitoring requirements for vessels participating in halibut deck sorting at § 679.28(l). Vessels are required to record and retain video for the entire trip where halibut deck sorting may occur. Vessels are also required to maintain full video coverage of all areas on deck where halibut may be sorted from the catch and/or discarded. This requirement differs from the permit conditions in the 2019 EFP that require vessels to record and retain video only while halibut deck sorting is occurring. As stated in existing regulations at § 679.28(e)(1)(v), the video data must be retained onboard the vessel for no less than 120 days after the date the video is recorded unless otherwise notified by NMFS

B. Additional Regulatory Changes

This final rule modifies § 679.28(i)(1) to remove a monitoring provision known as Option 2—line of sight option for bin monitoring standards. This monitoring option facilitated an observer's view of fish holding bins, but is no longer used; thus, this regulation is unnecessary.

This final rule also modifies §§ 679.28(d)(10) and 679.28(i)(5) to remove the requirements that restrict the validity of the observer sampling station, bin monitoring inspection and associated reports to 12 months from the date of the inspection allows for additional flexibility for the Observer Program to determine the exact length of the approval and potentially synchronize sampling station and bin monitoring inspections with other applicable equipment inspection requirements. This change reduces the need for vessels to schedule multiple in-person inspections at different times of the year, thereby reducing costs of complying with regulations.

This final rule includes a number of regulatory edits to improve clarity and consistency, and to remove unnecessary or out of date regulations. These modifications do not impact vessel operations. Section 679.28(b)(5)(v) is removed because it describes calibration and log requirement regulations for printed reports from the fault log that were applicable to 2015 only. This final rule adds the word ''views'' when describing display requirements for cameras at § 679.28(e)(1)(vii) and (e)(1)(viii)(A), and also updates the website address for the NMFS Alaska Region in § 679.28(e)(2).

Response to Comments

NMFS received two letters containing eight distinct comments on the proposed rule. A summary of relevant comments and NMFS' response follows. In addition to the written comments received from the public and the Council on the proposed rule, NMFS also received oral comments on the proposed rule during a public meeting held in Seattle, WA, on April 18, 2019 (84 FR 13252, April 4, 2019). The oral comments received during the public meeting mirrored the written comments and are included below.

Comment 1: We support the implementation of regulations to allow halibut deck sorting on trawl C/Ps and motherships participating in the non-pollock groundfish fisheries off Alaska.

Response: NMFS acknowledges the comment.

Comment 2: Observer data collection methodologies for halibut deck sorting in 2020 should be based on the observer data collection methodologies used in the 2019 EFP.

Response: NMFS acknowledges this comment. Deck sorting sampling protocols have been informed by many years of EFPs, and NMFS does not anticipate significant changes from 2019 sampling protocols in 2020.

Comment 3: NMFS should describe observer data collection procedures and methodologies that will be used in 2020 in its final rule response to comments.

Response: NMFS disagrees. The Council and NMFS have a long-established process for communicating observer data collection procedures through the Council's Fisheries Monitoring Advisory Committee (FMAC) and a series of annual documents prepared and presented by NMFS to the Council and the Council's FMAC, Science and Statistical Committee, and Advisory Panel. As stated in the preamble to the proposed rule, and the preamble to this final rule, observer data collection procedures are not directly regulated by this action. As stated in response to the previous comment, NMFS does not anticipate significant changes in observer data collection procedures from 2019 in 2020. However, defining one specific set of observer data collection procedures for one year (2020), in this final rule could differ from potential future changes in observer data collection procedures in future years. This could create confusion among fishery participants and is not a necessary component of this final rule.

NMFS intends to recommend that observer data collection procedures be added to the FMAC agenda for their September meeting. This would provide for public input of the observer data collection procedures and methodologies associated with halibut deck sorting that will be used in 2020.

Comment 4: In the future, changes to Observer data collection methodologies for halibut deck sorting should be developed in consultation with the Council to ensure that the primary objective of halibut mortality reduction is achieved. Additionally, NMFS should highlight any changes made to data collection methods during the year in its management report at the next Council meeting.

Response: NMFS agrees in part. The Council, in consultation with NMFS, designed and implemented the Observer Program to station observers and electronic monitoring systems on board commercial fishing vessels to collect data necessary for the conservation, management, and scientific understanding of the commercial groundfish and Pacific halibut fisheries of the BSAI and GOA management areas. Observers use scientific sampling protocols to collect fishery-dependent information, which can then be used to estimate total catch and interactions with protected species. Observer data collections have evolved over time as new data demands emerge. Deck sorting presents additional observer data collection requirements. Each year, NMFS publishes an Observer Sampling Manual (AFSC 2018),[1] which contains the comprehensive sampling procedures and methods to be used by observers to collect fishery-dependent data.

NMFS agrees that the primary objective of the deck sorting program is to reduce halibut mortality, not

[1] Alaska Fisheries Science Center (AFSC) 2018. 2019 Observer Sampling Manual. Fisheries Monitoring and Analysis Division, North Pacific Groundfish Observer Program. AFSC, 7600 Sand Point Way NE, Seattle, Washington 98115.

maximize halibut mortality savings (via reduced vessel specific DMRs) for participating vessels. Data collection procedures will continue to be designed to accurately quantify the reduction in halibut mortality, the total catch of halibut, and the condition of halibut discarded within the workload limitations and data collection priorities set each year through the Council's groundfish plan team process. Data collection methods must balance data needs with what a single observer can accomplish while avoiding undue pressure on an observer to change their sampling to maximize halibut mortality savings.

As noted in the previous comment, the Council and NMFS have a public process for communicating observer data collection procedures through the Council's FMAC. For 2020, NMFS intends to recommend to the FMAC that deck sorting protocols be added to the agenda for its September 2019 meeting. This practice can be continued annually as needed. The Council's FMAC is the established committee dedicated to monitoring programs and fishery-dependent data collections. Minutes from each FMAC meeting are provided to the Council, and the FMAC reports directly to the Council. In addition, Section 679.51(c)(3) states that vessel, shoreside processor, and stationary floating processor owners and operators, as well as observers and observer providers, may contact NMFS in writing to request assistance in improving observer data quality and resolving observer sampling issues. Through these established processes, the public and stakeholders can receive information and provide input on all NMFS monitoring programs, including any new sampling procedures involving deck sorting. As such, it is not necessary for NMFS to provide updates about halibut deck sorting activities continually throughout the year at each Council meeting.

Comment 5: The time limit for halibut deck sorting should be specified in regulation and applied to all vessels participating in halibut deck sorting rather than including this time limit in each vessels annual deck sampling station inspection report as proposed.

Response: NMFS disagrees. There are several operational considerations involved with setting discard time limits. NMFS designs observer sampling methods using the best available data and needs to preserve the ability to make changes as new information becomes available. The 35-minute time limit for halibut deck sorting used in the 2019 EFP was an operational choice, and was not set strictly from data collected from previous years of the EFP. Further, specified halibut deck sorting time limits in regulation would require a rulemaking to make any changes. By not specifying the halibut deck sorting time limit in regulation, NMFS in coordination with public input received by fishery participants, the Council, and the Council's subsidiary bodies has the flexibility to revise the time limit using new information or adapting to new fishing or catch handling situations that may arise in consultation with the public. NMFS makes data-driven decisions on sampling protocols, and at this time there are no data to demonstrate that the time limit should be something other than 35 minutes. Therefore, NMFS does not intend to make changes to this time limit for 2020.

Vessel-specific time limits may become necessary to ensure that differences in fishing practices and catch handling techniques can be considered in setting deck sorting time limits. Further, including the time limit on the Observer Sampling Station Inspection Reports ensures that the operator has this information in writing from NMFS and that all observer-related requirements are in a single document for the vessel operator.

As responses to comments 2, 3 and 4 indicated, changes to observer data collection procedures can be vetted through established public processes, beginning with the FMAC. The Council typically requests the FMAC to review changes to observer sampling procedures but the Council may decide to directly take up any specific issues that are on the FMAC's agenda.

Comment 6: Proposed regulations at §§ 679.7(e)(12) and 679.28(l) would prohibit deck sorting for the remainder of a trip if any of the video monitoring systems fail during the course of a trip. These regulations should be revised to be the same as how camera failures are handled under the 2019 EFP.

Response: NMFS disagrees with this comment. As stated in the preamble to the proposed rule, video monitoring is necessary to verify that all halibut sorted on deck from each haul is accounted for accurately. Under a regulated program, recorded video is a primary compliance monitoring tool that NOAA Office of Law Enforcement uses to verify compliance with catch handling and monitoring requirements during halibut deck sorting. Accurate accounting of halibut is a critical component of this deck sorting program as is described in detail in Section 4.1.1 of the Analysis. Video must be recorded for all hauls when halibut deck sorting occurs. Video monitoring requirements are also in place to protect observers deployed on these vessels from potential harassment and to guard against possible biasing of observer data. Sections 4.1.2 and 4.2.2 of the Analysis provide additional detail on enforcement concerns related to halibut deck sorting.

During the course of halibut deck sorting under the EFP, NOAA Office of Law Enforcement has noted EFP participant actions that would be considered violations under a fully regulated program but were outside of their enforcement responsibilities under the EFP. Instead, these violations were reported to NMFS and solutions were developed based on discussions with EFP participants. If a participant was routinely found in violation of EFP parameters, they would then be excluded from the EFP altogether.

In addition, allowing vessels to resume deck sorting without video monitoring could effectively prevent NOAA Office of Law Enforcement from enforcing other video monitoring requirements associated with halibut deck sorting and could create a disincentive for vessels to maintain their video monitoring equipment in good working order. In other words, if a vessel were allowed to continue to deck sort halibut when its video monitoring system stopped working properly, what motivation would there be to repair the system?

This requirement will not prevent the vessel from fishing altogether if all or part of its video monitoring system malfunctions. If a deck camera fails, the vessel will be required only to stop halibut deck sorting activities until the system is repaired.

Comment 7: Proposed regulations at § 679.28(l)(1) requiring a vessel to ''Record and retain video for an entire trip when halibut deck sorting may occur'' would create a violation any time a system breaks during a trip with any deck sorting. These regulations should be revised to clarify the intent that a breakdown of video cameras on deck would not be an automatic violation.

Response: NFMS acknowledges this comment. As stated in the proposed rule, these video monitoring requirements are needed to ensure that all halibut collected from an individual haul can be tracked and accounted for once on the vessel. Similar to the response in Comment 6, video monitoring is a primary tool that NOAA Office of Law Enforcement relies on under the regulated program. If a component of the video monitoring system breaks or is otherwise rendered inoperable, that vessel will be required

to terminate halibut deck sorting activities until the video monitoring system is repaired.

NMFS does not intend to apply the interpretation that a vessel will be in violation any time a system breaks during a trip with any deck sorting. If the video monitoring system is not working properly, §§ 679.28(l) and 679.7(e)(12) require that all halibut deck sorting activities be terminated until such a time that the system is repaired. In these cases, the vessel will be required to retain video recordings from the time when the video monitoring system was functional. The language in § 679.28(l)(1) is consistent with other video monitoring requirements that require vessels to record and retain video throughout the extent of various specified fishing activities (see § 678.28(j) and (k)). From an enforcement perspective, consistencies in the intent and language of comparable regulations is critical to ensure compliance and enforceability of applicable regulations. For these and the preceding reasons, NMFS disagrees with the comment to revise the regulatory language at § 679.28(l)(1).

Comment 8: The proposed regulations at § 679.120(d)(1)(iv) reference a new requirement for deck safety plans to list personal protective equipment that must be worn by the observer while on deck. Clarification of the intent for these regulations and whether they overlap with equipment NFMS supplies and directions it gives to its observers would avoid confusion and unintended issues that could arise on vessels.

Response: NMFS acknowledges this comment. The intent of this section is to outline the requirements that must be described and detailed in the NMFS-approved Deck Safety Plan. One of those requirements is that the Deck Safety Plan must contain a list of personal protective equipment that the observer(s) must wear while on deck. Different vessels will have different personal protective equipment requirements that the vessel operator will report in the Deck Safety Plan. NMFS recognizes that vessels have differing requirements and that the vessel operator is best suited to determine what equipment is appropriate for their deck-based activities.

This final rule does not alter the amount or type of equipment provided to observers by NMFS or their observer providers. Observers should already possess all required personal protective equipment prior to embarking on the vessel. The Observer Program currently provides observers with personal floatation vests, hard hats and hearing protection. In the event that an observer loses or damages their equipment, the vessel may be asked to provide a temporary spare if they are able in order to allow for continued halibut deck sorting activities. This final rule does not change the personal protective equipment that observers are already required to wear, which is described in the annual observer sampling manual (AFSC 2019).

OMB Revisions to PRA References in 15 CFR 902.1(b)

Section 3507(c)(B)(i) of the Paperwork Reduction Act (PRA) requires that agencies inventory and display a current control number assigned by the Director of the Office of Management and Budget (OMB), for each agency's information collection. Section 902.1(b) identifies the location of NOAA regulations for which OMB approval numbers have been issued. Because this final rule adds and revises collection-of-information requirements, 15 CFR 902.1(b) is revised to reference correctly the sections resulting from this final rule.

Changes From Proposed to Final Rule

NMFS made three changes to this final rule. The first change adds the words ''participating in'' to the applicability definition at § 679.120(a) so that it now reads ''The owner and operator of a mothership or catcher/processor using trawl gear in the non-pollock groundfish fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands Management Area must comply with the requirements of this section when participating in halibut deck sorting as defined at § 679.2.''. This change reduces ambiguity associated with when catch handling and monitoring requirements for halibut deck sorting apply.

The second change removes a duplicate comma in the last sentence in § 679.28(d)(10)(iii)(A).

The third change added the word ''annually'' to the submission requirement for the Deck Safety Plan at § 679.120(d)(1). It now reads ''Annually submit and have an approved Deck Safety Plan prior to participating in halibut deck sorting. The owner and operator must comply with all the requirements described in the NMFS-approved Deck Safety Plan.'' This change clarifies that the owner and operator of a vessel choosing to deck sort halibut must annually submit a Deck Safety Plan for approval by NMFS. This requirement was described in detail in the preamble of the proposed rule but was not clearly stated the regulatory text.

These changes do not substantively modify the regulations as proposed.

VI. Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the BSAI and GOA FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities. NMFS published a proposed rule on April 16, 2019 (84 FR 15566). An initial regulatory flexibility analysis (IRFA) was prepared and included in the ''Classification'' section of the proposed rule. The comment period closed on May 16, 2016. No comments were received on the IRFA or regarding this certification.

The factual basis for certification is described below. This action implements catch handling and monitoring requirements to allow halibut PSC to be sorted on the deck of trawl C/Ps and motherships participating in the non-pollock groundfish fisheries off Alaska. These requirements build upon existing monitoring and enforcement requirements and are designed to allow halibut to be returned to the sea faster while also ensuring that observer data continue to result in reliable estimates of halibut incidental catch rate and viability. Participation in halibut deck sorting will be voluntary. However, any vessel operator choosing to participate in halibut deck sorting will be required to comply with all applicable monitoring requirements.

In addition to the primary action, this action also changes observer sampling station inspection requirements in Federal groundfish fisheries and makes minor changes to bin monitoring requirements in the Amendment 80 fleet. This action also makes minor changes in terminology, reorganizes regulatory text, and makes other technical changes. The IRFA identified 40 C/Ps, owned by 10 firms, whose owners and operators will potentially be directly regulated by this action. A review of ownership affiliations, and resulting aggregate revenue, reveals that the combined revenue of all but one of the co-owned C/Ps in each of the 10 fishing corporations that own these C/Ps

exceeded the $11.0 million commercial fishing business revenue threshold and are, thus, considered large entities for purposes of the Regulatory Flexibility Act (RFA). In addition to the one directly regulated small C/P identified in the IRFA, three businesses that operate motherships may not exceed the fish processing business employee threshold of 750 employees and may be considered directly regulated small entities.

Although one C/P-owning firm potentially directly regulated by this action is a small entity under the RFA, the vessel's participation in the formal deck sorting program is doubtful given current operations and constraints. However, if this C/P did choose to sort halibut PSC on deck in the future, they would do so voluntarily and only if the benefits of accounting for reduced halibut mortality outweigh the costs of compliance with program requirements. This statement is also true for the three mothership corporations that are potentially directly regulated small entities under this action.

This action also directly regulates the owners and operators of C/Ps and motherships subject to requirements for line of sight bin monitoring and timing of the observer sampling stations. However, this element of this final rule will not affect the one C/P that is a small entity because unsorted fish are not held below deck in bins on this vessel. In addition, none of these vessels have used line of sight bin monitoring since 2011, and then only in conjunction with other still available monitoring options. Therefore, revisions to bin monitoring regulations and slight relaxation of regulations affecting the timing of observer sampling will not impose any additional costs or restrictions or create any impacts that would be considered significant adverse economic impacts on small entities.

For all of these reasons, this action is not expected to have a significant economic impact on a substantial number of small entities. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

Collection-of-Information Requirements

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) which has been approved by the Office of Management and Budget (OMB) under Control Number 0648–0318 (North Pacific Observer Program) and Control Number 0648–0330 (Alaska Region, Scale and Catch Weighing Requirements). The public reporting burden for these collection-of-information requirements includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB Control No. 0648–0318

This final rule requires vessel owners or operators of trawl C/Ps and motherships who choose to sort halibut PSC on deck to have a NMFS-approved Deck Safety Plan prior to participating in halibut deck sorting. Currently24 vessels have participated in halibut deck sorting with a fully developed Deck Safety Plan. NMFS estimates approximately three new vessels may choose to participate in deck sorting over the next three years. Public reporting burden for the development of a new Deck Safety Plan during the first (initial) year a vessel participates in halibut deck sorting is estimated to average 12 hours. After the first year, the public reporting burden for a respondent to modify or renew an existing Deck Safety Plan is estimated to be one hour.

For vessel owners or operators of trawl C/Ps and motherships who choose to sort halibut PSC on deck, the public reporting burden per response to notify the Observer Program by phone is estimated to be five minutes, the burden to notify the observer is estimated at two minutes, and appeal of a disapproved Deck Safety Plan is estimated at 4 hours.

OMB Control No. 0648–0330

When this action takes effect, 24 vessels will have participated in halibut deck sorting with installed deck video monitoring systems and observer deck sampling stations in compliance with regulations. NMFS estimates approximately three new vessels may choose to participate in deck sorting over the next three years. This final rule requires vessel owners or operators of trawl C/Ps and motherships who choose to sort halibut PSC on deck to install an observer sampling station on deck for use by the observer when deck sorting halibut. Public reporting burden for the installation of the observer deck sampling station during the first (initial) year a vessel participates in halibut deck sorting is estimated to average 12 hours. After the first year, annual maintenance of observer sampling stations both in the factory and on deck is expected to be minimal and will likely be done with other factory modifications initiated by the vessel to improve processing efficiency. Annual public reporting burden after the first year is estimated at one minute.

In addition, these vessels must install a deck sorting video monitoring system on deck. Public reporting burden for the installation of the video monitoring system is estimated to average 12 hours. After the first year, annual maintenance of the video monitoring system, including routine inspection and time required to call out for any needed repair, is estimated at one minute.

Public reporting burden for the Inspection Request for Observer Sampling Station, At-sea Scales, Video Monitoring Deck Sampling Station, and Deck Video Monitoring is estimated at 8 minutes.

Send comments on these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS Alaska Region (see **ADDRESSES**), and by email to *OIRA_Submission@omb.eop.gov,* or by fax to 202–395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements

50 CFR Part 679

Alaska, Fisheries, Pacific halibut, Recordkeeping and reporting requirements.

Dated: October 7, 2019.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, NMFS amends 15 CFR part 902 and 50 CFR part 679 as follows:

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, in the table in paragraph (b), under the entry ''50 CFR'', add entries in alphanumeric order for ''679.28(l)'', ''679.120(b)'', and ''679.120(c), (d), and (e)'' to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648–)
* * * * *	
50 CFR:	
* * * * *	
679.28(l)	–0330
* * * * *	
679.120(b)	–0330
679.120(c), (d), and (e)	–0318
* * * * *	

* * * * *

Title 50—Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 3. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 4. In § 679.2, add a definition for ''Halibut Deck Sorting'' in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

Halibut Deck Sorting means the authorized sorting of halibut on deck pursuant to § 679.120.

* * * * *

■ 5. In § 679.7,

■ a. Amend paragraph (d)(4)(i)(B) by removing ''§ 679.28(d)(8)'' and adding in its place ''§ 679.28(d)(10)''; and

■ b. Add paragraph (e).

The addition reads as follows:

§ 679.7 Prohibitions.

* * * * *

(e) *Halibut Deck Sorting.* (1) Conduct halibut deck sorting without notifying the observer at least 15 minutes prior to bringing fish onboard as described in § 679.120(e)(2).

(2) For any haul for which the notification at § 679.120(e)(2) is provided, allow fish to be spilled from the codend without an observer being present to monitor halibut deck sorting.

(3) Sort halibut from the catch prior to weighing except in compliance with requirements at § 679.120.

(4) Sort halibut on deck without an observer present to monitor halibut deck sorting.

(5) Discard halibut sorted on deck prior to the observer's completion of data collection for each halibut.

(6) Sort or discard any species other than halibut during halibut deck sorting.

(7) Conduct halibut deck sorting past the time limit set by NMFS in the vessel's Observer Sampling Station Inspection Report.

(8) Conduct halibut deck sorting without complying with the observer deck sampling station requirements at § 679.28(d)(9).

(9) Fail to have an approved Deck Safety Plan before conducting halibut deck sorting.

(10) Fail to notify the Observer Program for purposes of the pre-cruise meeting when required by § 679.120(c).

(11) Weigh catch on a NMFS-approved scale that complies with the requirements at § 679.28(b) when halibut deck sorting unless three or more observers are present on the vessel and an observer has been notified and is available to complete data collection duties in the factory.

(12) Sort halibut without a video monitoring system meeting requirements at § 679.28(l).

(13) Fail to comply with any other requirement or restriction specified in this part or violate any provision of this part.

* * * * *

■ 6. In § 679.28,

■ a. Remove paragraph (b)(5)(v);

■ b. Redesignate paragraph (d)(9) as (d)(10);

■ c. Add new paragraph (d)(9);

■ d. Revise newly redesignated paragraph (d)(10) introductory text;

■ e. In newly redesignated paragraph (d)(10)(i) remove ''*http://alaskafisheries.noaa.gov*'' and add in its place ''*https://alaskafisheries.noaa.gov*'';

■ f. Revise newly redesignated paragraph (d)(10)(iii);

■ g. In paragraphs (e)(1)(vii) and (e)(1)(viii)(A), remove ''cameras'' and add in its place ''camera views'';

■ h. In paragraph (e)(2), remove ''*http://alaskafisheries.noaa.gov*'' and add in its place ''*https://alaskafisheries.noaa.gov*'';

■ i. Revise paragraph (i)(1) introductory text;

■ j. Remove paragraph (i)(1)(ii);

■ k. Redesignate paragraph (i)(1)(iii) as (i)(1)(ii) and revise it;

■ l. Revise paragraphs (i)(2) and (5);

■ m. In paragraph (i)(3), remove ''*http://alaskafisheries.noaa.gov*'' and add in its place ''*https://alaskafisheries.noaa.gov*''; and

■ n. Add paragraph (l).

The revisions and additions to read as follows:

§ 679.28 Equipment and operational requirements.

* * * * *

(d) * * *

(9) *Observer deck sampling station.* Motherships and catcher/processors subject to § 679.120 must be equipped with a deck sampling station that meets the following requirements:

(i) *Accessibility.* All equipment required for an observer deck sampling station must be available to the observer at all times when halibut deck sorting.

(ii) *Location.* The observer deck sampling station must be located adjacent to the point of discard.

(iii) *Work space.* The observer must be able to stand upright in front of the table.

(iv) *Table*—(A) *Size.* The observer deck sampling station must include a table at least 0.6 m deep, 1.2 m wide, and 0.9 m high, and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. The table must be secured to the deck when halibut deck sorting. The table must be constructed to prevent fish from sliding off.

(B) *Length measuring device.* The table must have a NMFS-approved length measuring device secured to the surface of the table.

(v) *Single pathway.* There must be a single pathway for halibut to be conveyed to the observer deck sampling station. All halibut sorted on deck must pass over the observer table. There must be a single point of discard after the observer deck sampling station visible to the observer. Halibut too large to be lifted to the table may be measured on deck.

(10) *Inspection of the observer sampling station.* Each observer sampling station must be inspected and approved by NMFS prior to its use for the first time and then once each year within 12 months of the most recent inspection with the following exceptions: If the observer sampling station is moved or if the space or equipment available to the observer is reduced or removed when use of the observer sampling station is required, the Observer Sampling Station Inspection Report issued under this section is no longer valid, and the observer sampling station must be reinspected and approved by NMFS. Inspection of the observer sampling station is in addition to inspection of the at-sea scales by an authorized scale inspector required at paragraph (b)(2) of this section.

* * * * *

(iii) *Observer Sampling Station Inspection Report.* An Observer

Sampling Station Inspection Report will be issued by NMFS to the vessel owner if the observer sampling station meets the requirements in this paragraph (d). The vessel owner must maintain a current Observer Sampling Station Inspection Report on board the vessel at all times when the vessel is required to provide an observer sampling station approved for use under this paragraph (d). The Observer Sampling Station Inspection Report must be made available to the observer, NMFS personnel, or to an authorized officer upon request.

(A) *Deck Sorting.* An Observer Sampling Station Inspection Report issued to the owner of a vessel participating in halibut deck sorting as described at § 679.120 will indicate the time limit for halibut deck sorting activities. Considerations used by NMFS to determine the time limit for halibut deck sorting include, but are not limited to, deck space and configuration, and best available halibut viability information.

(B) [Reserved].

* * * * *

(i) * * *

(1) *Bin monitoring standards.* The vessel owner or operator must comply with the requirements specified in paragraph (i)(1)(i) of this section unless the vessel owner or operator has requested, and NMFS has approved, the video monitoring option described at paragraph (i)(1)(ii) of this section.

* * * * *

(ii) *Option 2—Video monitoring system option.* A vessel owner and operator must provide and maintain a NMFS-approved video monitoring system as specified in paragraph (e) of this section. Additionally, the vessel owner and operator must ensure that the system:

(A) Records and retains all video for all periods when fish are inside the bin; and

(B) Provides sufficient resolution and field of view to see crew activities from any location within the tank where crew could be located.

(2) *Who must have a bin monitoring option inspection?* A vessel owner or operator choosing to operate under the video option (option 2) in paragraph (i)(1)(ii) of this section must receive an annual bin monitoring option inspection.

* * * * *

(5) *Bin monitoring option inspection report.* A bin monitoring option inspection report will be issued to the vessel owner if the bin monitoring option meets the requirements of paragraph (i)(1)(ii) of this section. The vessel owner must maintain a current bin option inspection report on board the vessel at all times the vessel is required to provide an approved bin monitoring option under this paragraph (i)(5). The bin monitoring option inspection report must be made available to the observer, NMFS personnel, or to an authorized officer upon request.

* * * * *

(l) *Video monitoring for halibut deck sorting.* The owner and operator of a mothership or catcher/processor subject to § 679.120 must provide and maintain a video monitoring system approved under paragraph (e) of this section when the vessel is halibut deck sorting. Additionally, the system must—

(1) Record and retain video for an entire trip when halibut deck sorting may occur; and

(2) Provide sufficient resolution and field of view to monitor all areas on deck where halibut may be sorted from the catch and discarded, and all crew actions in these areas.

■ 7. In § 679.32, revise paragraphs (c)(3)(i)(C)(*4*) and (c)(3)(ii)(C) to read as follows:

§ 679.32 Groundfish and halibut CDQ catch monitoring.

* * * * *

(c) * * *

(3) * * *

(i) * * *

(C) * * *

(*4*) The operator of a mothership taking deliveries of unsorted codends from catcher vessels must weigh all catch, except halibut sorted on deck by vessels participating in halibut deck sorting described at § 679.120, on a scale that complies with the requirements of § 679.28(b). Catch must not be sorted before it is weighed, unless a provision for doing so is approved by NMFS for the vessel. Each CDQ haul must be sampled by an observer for species composition and the vessel operator must allow observers to use any scale approved by NMFS to weigh partial CDQ haul samples.

* * * * *

(ii) * * *

(C) *Catcher/processors and motherships using trawl gear.* The weight and numbers of CDQ and PSQ species will be determined by applying the observer's sampling data to the total weight of the CDQ haul.

* * * * *

■ 8. In § 679.51, add paragraphs (a)(2)(vi)(F) and (e)(1)(viii)(G) to read as follows:

§ 679.51 Observer and Electronic Monitoring System requirements for vessels and plants.

(a) * * *

(2) * * *

(vi) * * *

(F) *Halibut deck sorting.* Vessels subject to § 679.120 must have at least two observers aboard at all times when halibut deck sorting may occur; one observer must be endorsed as a lead level 2 observer. More than two observers are required if the observer workload restriction would otherwise preclude sampling as required.

* * * * *

(e) * * *

(1) * * *

(viii) * * *

(G) During halibut deck sorting, providing halibut to the observer on deck.

* * * * *

■ 9. In § 679.63, revise paragraph (a)(1) to read as follows:

§ 679.63 Catch weighing requirements for vessels and processors.

(a) * * *

(1) *Catch weighing.* All groundfish landed by listed AFA catcher/processors or received by AFA motherships must be weighed on a NMFS-certified scale and made available for sampling by a NMFS certified observer. The owner and operator of a listed AFA catcher/processor or an AFA mothership must ensure that the vessel is in compliance with the scale requirements described at § 679.28(b), that each groundfish haul is weighed separately, and that no sorting of catch, except halibut sorted on deck by vessels participating in the halibut deck sorting described at § 679.120, takes place prior to weighing.

* * * * *

■ 10. In § 679.84, revise paragraph (c)(1) to read as follows;

§ 679.84 Rockfish Program recordkeeping, permits, monitoring, and catch accounting.

* * * * *

(c) * * *

(1) *Catch weighing.* All catch, except halibut sorted on deck by vessels participating in the halibut deck sorting described at § 679.120, is weighed on a NMFS-approved scale in compliance with the scale requirements at § 679.28(b). Each haul must be weighed separately and all catch must be made available for sampling by an observer.

* * * * *

■ 11. In § 679.93, revise paragraph (c)(1) to read as follows:

§ 679.93 Amendment 80 Program recordkeeping, permits, monitoring, and catch accounting.

* * * * *

(c) * * *

(1) *Catch weighing.* All catch, except halibut sorted on deck by vessels participating in halibut deck sorting described at § 679.120, are weighed on a NMFS-approved scale in compliance with the scale requirements at § 679.28(b). Each haul must be weighed separately, all catch must be made available for sampling by a NMFS-certified observer, and no sorting of catch, except halibut sorted on deck by vessels participating in halibut deck sorting described at § 679.120, may take place prior to weighing.

* * * * *

■ 12. Add subpart K, consisting of §§ 679.120 and 679.121, to read as follows:

Subpart K—Halibut Deck Sorting

§ 679.120 Halibut deck sorting.

(a) *Applicability.* The owner and operator of a mothership or catcher/processor using trawl gear in the non-pollock groundfish fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands Management Area must comply with the requirements of this section when participating in halibut deck sorting as defined at § 679.2.

(b) *Catch monitoring requirements*—(1) *Catch weighing.* When halibut deck sorting, all catch, except halibut sorted on deck, must be weighed on a NMFS-approved scale in compliance with the scale requirements at § 679.28(b). Each haul must be weighed separately, all catch must be made available for sampling by a NMFS-certified observer, and no sorting of catch, except halibut sorted on deck, may take place prior to weighing. When halibut deck sorting, no fish may be weighed on a NMFS-approved scale used to weigh catch at sea unless two observers are available to complete data collection duties, one on deck and one in the factory. A visual signal, specified in paragraph (e)(8) of this section, must be used to indicate when catch may not be weighed.

(2) *Observer sampling station.* An observer sampling station meeting the requirements at § 679.28(d) must be available at all times.

(3) *Observer coverage requirements.* Comply with the observer coverage requirements at § 679.51(a)(2).

(4) *Sample storage.* Provide a storage space sufficient to accommodate a minimum of 10 observer sampling baskets. This space must be within or adjacent to the observer sampling station.

(5) *Vessel crew in tanks or bins.* Comply with the bin monitoring standards at § 679.28(i)(1).

(6) *Observer deck sampling station.* An observer deck sampling station meeting the requirements at § 679.28(d)(9) must be available at all times.

(7) *Video monitoring.* Comply with the video monitoring standards specified at § 679.28(l).

(c) *Pre-cruise meeting.* Notify the Observer Program by phone at 1 (907) 581–2060 (Dutch Harbor, AK) or 1 (907) 481–1770 (Kodiak, AK) at least 24 hours prior to departure when the vessel will be carrying an observer who has not previously been deployed on that vessel within the last 12 months. Subsequent to the vessel's departure notification, but prior to departure, NMFS may contact the vessel to arrange for a pre-cruise meeting. The pre-cruise meeting must minimally include the vessel operator or manager and any observers assigned to the vessel.

(d) *Deck Safety Plan.* Annually submit and have an approved Deck Safety Plan prior to participating in halibut deck sorting. The owner and operator must comply with all the requirements described in the NMFS-approved Deck Safety Plan.

(1) *Deck Safety Plan requirements.* A Deck Safety Plan must:

(i) Describe the route for observers to safely access and leave the deck sampling station and specify locations where observers may shelter during gear retrieval and movement.

(ii) Describe hazardous areas and potentially hazardous conditions that could be encountered on deck.

(iii) Describe communication procedures to inform the observer when it is safe to access the deck. These procedures must identify who will tell the observer it is safe to access the deck, how that communication will happen, and how they will communicate with the observer if a new safety hazard arises while on deck.

(iv) List personal protective equipment that must be worn by the observer while on deck.

(v) List all personnel the observer may contact to report safety issues, including safety hazards identified by the observer that are not covered by the Deck Safety Plan, deviations from the Deck Safety Plan, and any conditions that would require the suspension of halibut deck sorting.

(vi) Provide procedures to ensure the observer's safety while working in the deck sampling station.

(vii) Include a scale drawing showing the deck sampling station, the routes to access and exit the deck sampling station, emergency muster location, and safety hazards that could be encountered on deck.

(2) *Approval.* NMFS will approve a Deck Safety Plan if it meets the requirements specified in paragraph (d)(1) of this section. The vessel must be inspected by NMFS prior to approval of the Deck Safety Plan to ensure that the vessel conforms to the elements addressed in the Deck Safety Plan. NMFS will normally complete its review of the Deck Safety Plan within 14 working days of receiving a complete Deck Safety Plan and conducting a Deck Safety Plan inspection. If NMFS disapproves a Deck Safety Plan, the vessel owner and operator may resubmit a revised Deck Safety Plan or file an administrative appeal as set forth under the administrative appeals procedures set out at 15 CFR part 906.

(3) *Deck Safety Plan inspection.* The vessel owner and operator must submit a complete Deck Safety Plan to NMFS by fax (206–526–4066) or email (*station.inspections@noaa.gov*) at least 10 working days in advance of the requested date of inspection.

(4) *Location.* Deck Safety Plan inspections will be conducted on vessels tied up at docks in Kodiak, Alaska, Dutch Harbor, Alaska, and in the Puget Sound area of Washington State.

(5) *Changes to the Deck Safety Plan.* The vessel owner and operator may propose a change to the Deck Safety Plan by submitting a Deck Safety Plan addendum to NMFS. NMFS may require a Deck Safety Plan inspection described at paragraph (d)(3) of this section before approving the addendum.

(e) *Vessel operator responsibilities.* The operator of a vessel subject to this section must comply with the following:

(1) *Deck sorting safety meeting.* Provide the observer with a copy of the NMFS-approved Deck Safety Plan and make available all other applicable inspection reports described at § 679.28. The deck sorting safety meeting must be conducted prior to departing port and must include the observer, vessel operator, and key crew member who will be responsible for providing notification or reasonable assistance during halibut deck sorting. All elements of the vessel's Deck Safety Plan must be reviewed with the observer during this meeting.

(2) *Observer notification.* Before halibut deck sorting, notify the observer at least 15 minutes prior to bringing fish on board.

(3) *Observer present.* Conduct halibut deck sorting only when an observer is present in the deck sampling station.

(4) *Time limit.* Conduct halibut deck sorting only within the time limit indicated on the Observer Sampling Station Inspection Report. The time limit begins when the codend is opened on deck. When the time limit is reached, all halibut deck sorting must stop.

(5) *Single sorting pathway.* Convey all halibut sorted on deck to the observer deck sampling station via a single pathway.

(6) *Careful handling.* Handle all halibut sorted on deck with a minimum of injury.

(7) *Sorting pace.* Do not pressure or rush the observer to move halibut through the sampling process faster than the observer can handle.

(8) *Visual signal.* Use a visual signal to indicate to vessel crew when catch may not to be weighed on a NMFS-approved scale specified in paragraph (b)(1) of this section. The visual signal must be on the conveyor belt adjacent to the flow scale and visible in the view of a camera required at § 679.28(b)(8).

§ 679.121 [Reserved]

[FR Doc. 2019–22198 Filed 10–11–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200 and 240

[Release No. 34–86175A; File No. S7–08–12]

RIN 3235–AL12

Capital, Margin, and Segregation Requirements for Security-Based Swap Dealers and Major Security-Based Swap Participants and Capital and Segregation Requirements for Broker-Dealers; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is correcting a final rule that appeared in the **Federal Register** on August 22, 2019. In the document, the Commission adopted capital and margin requirements for security-based swap dealers (''SBSDs'') and major security-based swap participants (''MSBSPs''), segregation requirements for SBSDs, and notification requirements with respect to segregation for SBSDs and MSBSPs in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act.

DATES: Effective October 21, 2019.

FOR FURTHER INFORMATION CONTACT: Sheila Dombal Swartz, Senior Special Counsel, at (202) 551–5545; Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: In FR Doc. 19–13609 appearing on page 43872 in the **Federal Register** of Thursday, August 22, 2019, the following corrections are made:

§ 200.30–3 [Corrected]

■ 1. On page 44041, in the first column, in part 200, in amendment 2, the instruction ''Section 200.30–3 is amended by revising paragraphs (a)(7) introductory text, (a)(7)(i) and (iv), (a)(7)(vi)(A) and (C) through (F), (a)(7)(vii) and (a)(10)(i) to read as follows:'' is corrected to read ''Section 200.30–3 is amended by revising paragraphs (a)(7) introductory text, (a)(7)(i) and (iv), (a)(7)(vi)(A) and (C) through (E), adding paragraphs (a)(7)(vi)(F) and (a)(7)(vii), and revising paragraph (a)(10)(i) to read as follows:''

Part 240 [Corrected]

■ 2. On page 44041, in the third column, in part 240, in amendment 3, the instruction ''The general authority citation for part 240 is revised, the sectional authorities for §§ 240.15c3–1 and 240.15c3–3 are revised, adding sectional authorities for §§ 240.15c3–1a, 240.15c3–1e, 240.15c3–3, 240.18a–1, 240.18a–1a, 240.18a–1b, 240.18a–1c, 240.18a–1d, 240–18a–2, 240.18a–3 and 240.18a–4 in numerical order to read as follows.'' is corrected to read ''The general authority citation for part 240 is revised, the sectional authorities for §§ 240.15c3–1 and 240.15c3–3 are revised, and sectional authorities for §§ 240.18a–1, 240.18a–1a, 240.18a–1b, 240.18a–1c, 240.18a–1d, 240–18a–2, 240.18a–3, and 240.18a–10 and § 240.18a–4 are added in numerical order to read as follows:''

Dated: October 4, 2019.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2019–22053 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe certain interest assumptions under the regulation for plans with valuation dates in November 2019. These interest assumptions are used for paying certain benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective November 1, 2019.

FOR FURTHER INFORMATION CONTACT: Gregory Katz (*katz.gregory@pbgc.gov*), Attorney, Regulatory Affairs Division, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–326–4400 ext. 3829. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, ext. 3829.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminated single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumptions in the regulation are also published on PBGC's website (*https://www.pbgc.gov*).

PBGC uses the interest assumptions in appendix B to part 4022 (''Lump Sum Interest Rates for PBGC Payments'') to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Because some private-sector pension plans use these interest rates to determine lump sum amounts payable to plan participants (if the resulting lump sum is larger than the amount required under section 417(e)(3) of the Internal Revenue Code and section 205(g)(3) of ERISA), these rates are also provided in appendix C to part 4022 (''Lump Sum Interest Rates for Private-Sector Payments'').

This final rule updates appendices B and C of the benefits payment regulation to provide the rates for November 2019 measurement dates.

The November 2019 lump sum interest assumptions will be 0.25 percent for the period during which a benefit is (or is assumed to be) in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for October 2019, these assumptions represent an increase of 0.25 percent in the immediate rate and are otherwise unchanged.

PBGC updates appendices B and C each month. PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to issue new interest assumptions promptly so that they are available for plans that rely on our publication of them each month to calculate lump sum benefit amounts.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during November 2019, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, rate set 313 is added at the end of the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
313	11–1–19	12–1–19	0.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, rate set 313 is added at the end of the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
313	11–1–19	12–1–19	0.25	4.00	4.00	4.00	7	8

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2019–22381 Filed 10–11–19; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 78

[Docket ID: DOD–2019–OS–0012]

RIN 0790–AK19

Voluntary State Tax Withholding From Retired Pay

AGENCY: Office of the Under Secretary of Defense (Comptroller), DoD.

ACTION: Direct final rule.

SUMMARY: This direct final rule removes DoD's regulation on the voluntary state income tax withholding from the monthly retired or retainer pay of any member or former member of the uniformed Services. That regulation is unnecessary because it restates current law; sets forth internal policy and procedures; and conveys to the public administrative and procedural information that does not require rulemaking. Accordingly, DoD will remove this part and publish a document in the **Federal Register** informing the States and current and former members of that administrative information, such as where to submit requests for income withholding.

DATES: This rule is effective November 25, 2019 without further action, unless adverse comment is received by November 14, 2019. If adverse comment is received, DoD will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Suite 08D09, Attn: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available

for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Kellie Allison at 703–614–0410.

SUPPLEMENTARY INFORMATION: DoD has determined this rulemaking meets the criteria for a direct final rule because the removal of 32 CFR part 78, last amended on July 18, 2006 (71 FR 40657), does not change in any way the procedures for the voluntary withholding of State tax from the monthly retired or retainer pay of any member or former member of the uniformed Services, and therefore DoD expects no opposition to it. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains why the direct final rule is inappropriate or unacceptable. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Congress authorized the Department in 10 U.S.C. 1045 to establish this program. This part restates that law and otherwise contains internal instruction. DoD internal procedures for the voluntary withholding of this state tax are contained in DoD's Financial Management Regulation (FMR), Volume 7B, Chapter 26, available at *http://comptroller.defense.gov/Portals/45/documents/fmr/current/07b/07b_26.pdf* (most recently updated in July 2018). Any administrative-type information pertinent to the public, such as where a tax payer should file a request to have pay withheld or how a state can procedurally enter into a withholding agreement with the Department, can be found in a notice document published in the **Federal Register** today, as well as in the FMR at the website above.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review.'' Therefore, the requirements of E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' do not apply.

List of Subjects in 32 CFR Part 78

Income taxes, Intergovernmental relations, Military personnel, Pensions.

PART 78—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 78 is removed.

Dated: October 3, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–21967 Filed 10–11–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0795]

Safety Zone; New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a temporary safety zone between mile marker (MM) 96.7 and MM 95.7 above Head of Passes, Lower Mississippi River, LA. This action is necessary to provide for the safety of life on these navigable waters near New Orleans, LA, during a fireworks display. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.845 will be enforced from 9:15 p.m. through 10:15 p.m. on January 18, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this document, call or email Lieutenant Commander Corinne Plummer, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2375, email *Corinne.M.Plummer@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone regulation found in 33 CFR 165.845(a) for the Host-Global New Orleans Fireworks Display event from 9:15 p.m. through 10:15 p.m. on January 18, 2020. This action is being taken to provide for the safety of life on navigable waterways during this event, which will be located between MM 96.7 and MM 95.7, above Head of Passes, Lower Mississippi River, LA. During the enforcement periods, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to the publication of this document in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via a Marine Safety Information Bulletin and Broadcast Notice to Mariners.

Dated: October 7, 2019.

K.M. Luttrell,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2019–22409 Filed 10–11–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0812]

Safety Zone; Rio Vista Bass Derby Fireworks, Sacramento River, Rio Vista, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Rio Vista Bass Derby Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM) or other Federal, state, or local law enforcement agencies on scene to assist the Coast Guard in enforcing the regulated area.

DATES: The regulation in 33 CFR 165.1191, Table 1, Item number 23, will be enforced from noon through 9:30 p.m. on October 12, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email Chief Warrant Officer Mickey Price, Waterways Management, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191 Table 1, Item number 23, for the Rio Vista Bass Derby Fireworks Display from noon through 9:30 p.m. on October 12, 2019, or as announced via Broadcast Notice to Mariners. This notice of enforcement is issued under authority of 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

The safety zone will extend to all navigable waters of the Sacramento River, from surface to bottom, within a circle formed by connecting all points 100 feet out from the fireworks barge during the loading, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. From noon through 4 p.m. October 12, 2019, the fireworks barge will be loading pyrotechnics from the Dutra Group, 160 River Road, Rio Vista, CA. The fireworks barge will remain at the loading location until its transit to the display location. From 7 p.m. to 8 p.m. on October 12, 2019 the loaded fireworks barge will transit from the Dutra Group to the launch site off of Rio Vista, CA in approximate position 38°09′15.53″ N, 121°41′17.01″ W (NAD 83), where it will remain until the conclusion of the fireworks display. During the15-minute fireworks display, scheduled to begin at approximately 8:45 p.m. on October 12, 2019, and 30 minutes after the conclusion of the fireworks display, the safety zone will increase in size and encompass all navigable waters of the Sacramento River, from surface to bottom, within a circle formed by connecting all points 1000 feet out from the fireworks barge near Rio Vista, CA in approximate position 38°09′15.53″ N, 121°41′17.01″ W (NAD 83). This safety zone will be enforced from noon until 9:30 p.m. on October 12, 2019, or as announced via Broadcast Notice to Mariners.

In addition to this notification in the **Federal Register,** the Coast Guard plans to provide notification of the safety zone and its enforcement period via the Local Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM or other Official Patrol defined as a Federal, state, or local law enforcement agency on scene to assist the Coast Guard in enforcing the regulated area. Additionally, each person who receives notice of a lawful order or direction issued by the PATCOM or Official Patrol shall obey the order or direction. The PATCOM or Official Patrol may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice of enforcement, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: October 7, 2019.

Marie B. Byrd,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2019–22300 Filed 10–11–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2018–0567; FRL–10000–42]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (17–5)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 29 chemical substances which are the subject of 28 premanufacture notices (PMNs). The chemical substances are subject to Orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of these 29 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required by that determination.

DATES: This rule is effective on December 16, 2019. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on October 29, 2019.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@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. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and Orders under TSCA. Importers of chemicals subject to these SNURs must certify compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule on or after November 14, 2019 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0567, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor

instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. Background

A. What action is the Agency taking?

EPA is finalizing these SNURs under TSCA section 5(a)(2) for 29 chemical substances which were the subject of 28 PMNs. These SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

In the **Federal Register** of September 17, 2018 (83 FR 47026) (FRL–9983–59), EPA proposed a SNUR for these chemical substances in 40 CFR part 721 subpart E. This comment period closed on October 17, 2018. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** documents for the direct final SNUR of September 17, 2018 (83 FR 47004) (FRL–9983–14), which is referenced in the proposed SNUR. The direct final rule was withdrawn in the **Federal Register** of November 16, 2018 (83 FR 57689) (FRL–9986–15).

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). These requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the use is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. In the case of a determination other than not likely to present unreasonable risk, the applicable review period must also expire before manufacturing or processing for the new use may commence. If EPA determines that the use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

When the Agency issues an Order under TSCA section 5(e), section 5(f)(4) requires that the Agency consider whether to promulgate a SNUR for any use not conforming to the restrictions of the TSCA section 5(e) Order or publish a statement describing the reasons for not initiating the rulemaking. TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four TSCA section 5(a)(2) factors listed in this unit.

IV. Public Comments on Proposed Rule and EPA Responses

EPA received public comments on the proposed rule from eight identifying entities. The Agency's responses are in the Response to Public Comments document in the public docket for this rule, EPA–HQ–OPPT–2018–0567.

V. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for 29 chemical substances in 40 CFR part 721, subpart E. In Unit IV. of the original direct final rule (83 FR 47004, September 17, 2018) (FRL–9983–14), EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) Order.
- Potentially Useful Information. This is information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substance in support of a request by the PMN submitter to modify the TSCA section 5(e) Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by the SNUR.
- CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of each rule specifies the activities designated as significant new uses. Certain new uses, including exceedance of production volume limits (*i.e.,* limits on manufacture volume) and other uses designated in this rule, may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

These final rules include 29 chemical substances that are subject to Orders under TSCA section 5(e)(1)(A)(ii)(I) where EPA determined that activities associated with the PMN substances may present unreasonable risk to human health or the environment. Those Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

Where EPA determined that the PMN substance may present an unreasonable risk of injury to human health via inhalation exposure, the underlying TSCA section 5(e) Order usually requires that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below the New Chemical Exposure

Limit (NCEL). The comprehensive NCELs provisions in TSCA section 5(e) Orders include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. No comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELs as an alternative to the 40 CFR 721.63 respirator requirements may request to do so under 40 CFR 721.30. EPA expects that persons whose 40 CFR 721.30 requests to use the NCELs approach for SNURs that are approved by EPA will be required to comply with NCELs provisions that are comparable to those contained in the corresponding TSCA section 5(e) Order.

VI. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) Orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. As a general matter, EPA believes it is necessary to follow TSCA section 5(e) Orders with a SNUR that identifies the absence of those protective measures as Significant New Uses to ensure that all manufacturers and processors—not just the original submitter—are held to the same standard.

B. Objectives

EPA is issuing these SNURs because the Agency wants:

- To identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).
- To receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be able to either determine that the prospective manufacture or processing is not likely to present an unreasonable risk, or to take necessary regulatory action associated with any other determination, before the described significant new use of the chemical substance occurs.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VII. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC has not been submitted, EPA concludes that the designated significant new uses are not ongoing.

When chemical substances identified in this rule are added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. However, TSCA section 5(e) Orders have been issued for all the chemical substances, and the PMN submitters are prohibited by the TSCA section 5(e) Orders from undertaking activities which will be designated as significant new uses. The identities of the 29 chemical substances subject to this rule have been claimed as confidential. Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

Furthermore, EPA designated September 17, 2018 (the date of public release of the original direct final and proposed rules) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the final rule.

In the unlikely event that a person began commercial manufacture or processing of the chemical substances for a significant new use identified as of September 17, 2018, that person will have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons will have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require developing any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, Order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, Order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing under 40 CFR part 721, subpart E. In Unit IV. of the original direct final rule (83 FR 47004, September 17, 2018) (FRL–9983–14), the EPA lists potentially useful information that will be useful to EPA's evaluation. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance. EPA strongly encourages persons, before performing any testing, to consult with the Agency. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing on vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

In some of the TSCA section 5(e) Orders for the chemical substances regulated under this rule, EPA has established production volume limits.

These limits cannot be exceeded unless the PMN submitter submits the results of specified tests. The SNURs contain the same production volume limits as the TSCA section 5(e) Orders. Exceeding these production limits is defined as a significant new use. Persons who intend to exceed the production limit must notify the Agency by submitting a SNUN at least 90 days in advance of commencement of non-exempt commercial manufacture or processing.

Any request by EPA for the triggered and pended testing described in the Orders was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the PMN substances. Further, any such testing request on the part of EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models.

The potentially useful information identified in Unit IV. of the original direct final rule may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data or other information may increase the likelihood that EPA will take action under TSCA section 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1).

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems*.

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2018–0567.

XII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations-and-executive-orders*.

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

This action establishes SNURs for several new chemical substances that were the subject of PMNs and TSCA section 5(e) Orders. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this action. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection activities in this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and

maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including using automated collection techniques, to the Director, Regulatory Support Division, Office of Mission Support (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this SNUR will not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 10 in FY2016, 14 in FY2017, and 18 in FY2018 and only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note) does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

XIII. Congressional Review Act (CRA)

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 4, 2019.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add entries for §§ 721.11124 through 721.11148 in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.11124	2070–0012
721.11125	2070–0012
721.11126	2070–0012
721.11127	2070–0012
721.11128	2070–0012
721.11129	2070–0012
721.11130	2070–0012
721.11131	2070–0012
721.11132	2070–0012
721.11133	2070–0012
721.11134	2070–0012
721.11135	2070–0012
721.11136	2070–0012
721.11137	2070–0012
721.11138	2070–0012
721.11139	2070–0012
721.11140	2070–0012
721.11141	2070–0012
721.11142	2070–0012
721.11143	2070–0012
721.11144	2070–0012
721.11145	2070–0012
721.11146	2070–0012
721.11147	2070–0012
721.11148	2070–0012
* * * * *	

* * * * *

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add §§ 721.11124 through 721.11148 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

* * * * *

721.11124 2-Propenenitrile, polymer with methanamine, hydrogenated, 3-aminopropylterminated, ethoxylated propoxylated.

721.11125 Dicarboxylic acids, polymers with alkyl prop-2-enoate, alkyl 2-ethylprop-2-enoate, alkyl[(alkenyl)alkyl]alkanediol, alkanediol, alkanedioic acid, alkyl 2-methylprop-2-enoate, alkyl prop-2-enoic acid, alkylene [isocyanatocarbomonocycle] and alkanediol, alkanolamine-blocked, compds. with 2-(alkylamino)alkanol (generic).

721.11126 Mixed metal oxide (generic).

721.11127 Modified alkyl polyamine (generic).

721.11128 Alkyl polyamine (generic).

721.11129 Silica gel, reaction products with chromium oxide (CrO3) and ethoxydiethyl aluminum.

721.11130 Carboxylic acids, C6-18 and C5-15-di-, polymers with diethylene glycol, glycerol, sorbitol and terephthalic acid.

721.11131 1-Tetradecene, homopolymer, hydrogenated.

721.11132 Fluorocyanophenyl alkylbenzoate (generic).

721.11133 Fluorinated acrylic copolymer (generic).

721.11134 Oxyalkylene urethane polyolefin (generic).

721.11135 Imino alkane amine phosphate (generic).

721.11136 Fatty acids, tall-oil, reaction products with 2-[(2-aminoalkyl)amino]alkanol, compds. with alkylene oxide-glycidyl o-tolyl ether polymer dihydrogen phosphate alkyl ether (generic).

721.11137 Oxirane, 2-alkyl-, polymer with oxirane, mono[N-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2′,2″-nitrilotris-[alkanol] (generic).

721.11138 Formaldehyde, polymer with (chloromethyl)oxirane and substituted aromatic compounds (generic).

721.11139 Acid, reaction products with cadmium selenide (CdSe), trioctylphosphine and trioctylphosphine oxide (generic).

721.11140 Acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide (generic).

721.11141 Acid, reaction products with cadmium zinc selenide sulfide, trioctylphosphine and trioctylphosphine oxide (generic).

721.11142 Metal oxide reaction products with cadmium metal selenide sulfide, and amine (generic).

721.11143 Alkanoic acid, alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated, polymers with substituted alkanenitrile-initiated, alkanoic acid-alkane substituted acrylates-substituted carbomonocycle polymer, compds. with alkylamino alkanol (generic).

721.11144 Manganese bipyridine carboxylate complex (generic).

721.11145 Sulfuric acid mixed salt (generic).

721.11146 2-Propenoic acid, alkyl-2-(alkylalkyl)alkyl ester (generic).

721.11147 Allyloxymethylacrylate (generic).

721.11148 Polyurethane, methacrylate blocked (generic).

* * * * *

§ 721.11124 2-Propenenitrile, polymer with methanamine, hydrogenated, 3-aminopropylterminated, ethoxylated propoxylated.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenenitrile, polymer with methanamine, hydrogenated, 3-aminopropylterminated, ethoxylated propoxylated (PMN P–14–758; CAS No. 2055838–16–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the chemical substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) through (5)(respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 50), (a)(6)(v) (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (e) (concentration set at 1.0%), (f), (g)(1)(ii), (g)(2)(ii), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). A significant new use is any spray application method that results in greater worker inhalation exposures to vapor, mist, or aerosol than the roller coating application.

(iv) *Release to water.* Requirements as specified in § 721.90(b)(1) and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The

provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11125 Dicarboxylic acids, polymers with alkyl prop-2-enoate, alkyl 2-ethylprop-2-enoate, alkyl[(alkenyl)alkyl]alkanediol, alkanediol, alkanedioic acid, alkyl 2-methylprop-2-enoate, alkyl prop-2-enoic acid, alkylene [isocyanatocarbomonocycle] and alkanediol, alkanolamine-blocked, compds. with 2-(alkylamino)alkanol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dicarboxylic acids, polymers with alkyl prop-2-enoate, alkyl 2-ethylprop-2-enoate, alkyl[(alkenyl)alkyl]alkanediol, alkanediol, alkanedioic acid, alkyl 2-methylprop-2-enoate, alkyl prop-2-enoic acid, alkylene [isocyanatocarbomonocycle] and alkanediol, alkanolamine-blocked, compds. with 2-(alkylamino)alkanol (PMN P–16–493) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to import the chemical substance to contain more than 0.1% residual isocyanate by weight. It is a significant new use to import the chemical substance to contain more than 1% of a confidential component by weight.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11126 Mixed metal oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as a mixed metal oxide (PMN P–16–514) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (5)(respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 1,000), (a)(6)(particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.04 mg/m^3 as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(iv), (lung toxicity if inhaled), (eye irritation), (allergic skin reaction), (g)(2)(i) through (iii) and (v)(use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.04 mg/m^3), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(e), (f), (k), and (q).

(iv) *Disposal.* It is a significant new use to dispose of the chemical substance other than by recycling as described in the Order.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) and (iv) of this section.

§ 721.11127 Modified alkyl polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as modified alkyl polyamine (PMN P–16–576) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), (a)(6)(particulate (including solids or liquid droplets)), (vapor), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (vi), and (viii), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the chemical substance more than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The

provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11128 Alkyl polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyl polyamine (PMN P–16–577) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i)(iii), (a)(3), (a)(6)(v) (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (vi), and (viii), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the chemical substance more than nine months.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 2.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11129 Silica gel, reaction products with chromium oxide (CrO3) and ethoxydiethyl aluminum.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as silica gel, reaction products with chromium oxide (CrO3) and ethoxydiethyl aluminum is (PMN P–16–590, CAS No. 932384–12–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (a)(3) through (5)(respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of 10 to 1,000 depending on the results of the exposure monitoring as described in the Order for P16–590 and required by this section (a)(2)(i), (a)(6)(particulate (including solids or liquid droplets)), (a)(6)(vapor), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4) engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 0.1%), and (c). It is a significant new use to not conduct the exposure monitoring required in the Order for P–16–590 when workers are reasonably likely to be exposed by inhalation.

(ii*) Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. It is a significant new use to manufacture, process, or use the chemical substance other than in a system where the chemical substance is handled in an inert atmosphere and is not designed to be exposed to air.

(iii) *Disposal.* It is a significant new use to dispose of all waste streams containing the PMN substance and the constituent breakdown products of the PMN substance other than in a Resource Conservation and Recovery Act (RCRA) hazardous waste landfill.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11130 Carboxylic acids, C6-18 and C5-15-di-, polymers with diethylene glycol, glycerol, sorbitol and terephthalic acid.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as carboxylic acids, C6-18 and C5-15-di-, polymers with diethylene glycol, glycerol, sorbitol and terephthalic acid (PMN P–16–593, CAS No. 1967778–37–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3) (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii), (irritation), (g)(2)(i) through (iii) and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (aromatic polyester polyol for rigid foam). It is a significant new use to manufacture, process, or use the chemical substance to result in inhalation exposure to a vapor, mist or aerosol.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11131 1-Tetradecene, homopolymer, hydrogenated.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1-tetradecene, homopolymer,

hydrogenated (PMN P–17–5, CAS No. 1857296–89–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii), (g)(2)(ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (base fluid/carrier fluid for additives in motor oil, automatic transmission fluid, and industrial lubricants). It is a significant new use to manufacture the chemical substance more than 9 months. It is a significant new use to manufacture, process, or use the chemical substance to results in inhalation exposure to a vapor, mist or aerosol.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (f) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11132 Fluorocyanophenyl alkylbenzoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as fluorocyanophenyl alkylbenzoate (PMNs P–17–149, P–17–150, P–17–151, and P–17–165) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii) and (iv), (a)(3), (a)(6)(v), (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (iii), (iv), (vi) and (ix), (g)(2)(i), (ii), (iii) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (q). It is a significant new use to manufacture, process, or use the chemical substance to result in inhalation exposures to vapor, dust, mist, or aerosols to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), (c)(4) where N = 2 for P–17–165 and N = 4 for P–17–149, P–17–150, and P–17–151.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11133 Fluorinated acrylic copolymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fluorinated acrylic copolymer (PMN P–17–175) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (t) (60 kilograms). It is a significant new use to use the substance other than as a leveling agent for coatings applied to aluminum printing plates.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

§ 721.11134 Oxyalkylene urethane polyolefin (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as oxyalkylene urethane polyolefin (PMN P–17–199) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture the chemical substance with an average molecular weight greater than specified in the Order or with more than 1.0% of the molecular weight content below 1,000 Daltons.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11135 Imino alkane amine phosphate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as imino alkane amine phosphate (PMN P–17–206, chemical A and P–17–206, chemical B) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substances after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), (a)(6)(v) (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement

of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (g)(2)(i) and (v), (g)(3)(i) and (ii), (g)(4)(iii), and (g)(5), Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). It is a significant new use to modify processing or use if it results in inhalation exposure to vapor, dust, mist, or aerosols to the substances.

(iv) *Disposal.* Requirements as specified in § 721.85(a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11136 Fatty acids, tall-oil, reaction products with 2-[(2-aminoalkyl)amino]alkanol, compds. with alkylene oxide-glycidyl o-tolyl ether polymer dihydrogen phosphate alkyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fatty acids, tall-oil, reaction products with 2-[(2-aminoalkyl)amino]alkanol, compds. with alkylene oxide-glycidyl o-tolyl ether polymer dihydrogen phosphate alkyl ether (PMN P–17–223) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(6)(v), (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and, engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i) and (ii), (g)(2)(i), (ii) and (v), (g)(3)(i) and (ii), and (g)(5), Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q). It is a significant new use to modify any processing if such modification would result in inhalation exposures to the chemical substance by vapor, dust, mist, or aerosol, at a concentration of greater than 1.0% by weight or volume. It is a significant new use to use the chemical substance in the confidential formulation identified in the Order at concentration greater than 1.0% by weight or volume. It is a significant new use to manufacture, process, or use the substance for consumer use or for commercial uses that could introduce the substance into a consumer setting.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), (c)(4) where N = 15.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11137 Oxirane, 2-alkyl-, polymer with oxirane, mono[N-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2′,2″-nitrilotris-[alkanol] (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as oxirane, 2-alkyl-, polymer with oxirane, mono[N-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2′,2″-nitrilotris-[alkanol] (PMN P–17–230) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), (a)(6)(v) (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (eye irritation), (g)(2)(i), (ii), and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q). It is a significant new use to modify processing methods if such modification would result in inhalation exposures to the chemical substance by vapor, dust, mist, or aerosol, at a concentration of greater than 1.0% by weight or volume. It is a significant new use to use the chemical substance in the confidential formulation at a concentration greater than 1.0% by weight or volume. It is a significant new use to manufacture, process, or use the substance for consumer use or for commercial uses that could introduce the substance into a consumer setting.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 65.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are

applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11138 Formaldehyde, polymer with (chloromethyl)oxirane and substituted aromatic compounds (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as formaldehyde, polymer with (chloromethyl)oxirane and substituted aromatic compounds (PMN P–17–236) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to the chemical substance after it has been incorporated into the confidential forms identified in the Order.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), (a)(6) (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii), (vi), (vii), and (ix), (skin sensitization), (g)(2)(i) through (iii) and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q). It is a significant new use to modify manufacture, processing, or use if it results in inhalation exposure to vapor, dust, mist, or aerosols to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraphs (a)(1) and (a)(2)(iii) of this section.

§ 721.11139 Acid, reaction products with cadmium selenide (CdSe), trioctylphosphine and trioctylphosphine oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acid, reaction products with cadmium selenide (CdSe), trioctylphosphine and trioctylphosphine oxide (PMN P–17–241) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), and (a)(3), (a)(6)(particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (y)(1). It is a significant new use to manufacture, process, or use the substance other than in a liquid formulation.

(iii) *Disposal.* It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11140 Acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide (PMN P–17–242) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(6)(particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (y)(1). It is a significant new use to manufacture, process, or use the substance other than in a liquid formulation.

(iii) *Disposal.* It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11141 Acid, reaction products with cadmium zinc selenide sulfide, trioctylphosphine and trioctylphosphine oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acid, reaction products with cadmium zinc selenide sulfide, trioctylphosphine and trioctylphosphine oxide (PMN P–17–243) is subject to reporting under this section for the significant new uses

described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(6)(particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (y)(1). It is a significant new use to manufacture, process, or use the substance other than in a liquid formulation.

(iii) *Disposal.* It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11142 Metal oxide reaction products with cadmium metal selenide sulfide, and amine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as metal oxide reaction products with cadmium metal selenide sulfide, and amine (PMN P–17–244) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) through (5)(respirators must provide a National Institute for Occupational Safety and Health assigned protection factor (APF) of at least 50), (a)(6) (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and (c). It is a significant new use to handle the solid form of the substance without use of a fume hood or glove box.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (down converting phosphor particle for use in conjunction with optoelectronic components), (q), and (y)(1) and (2).

(iii) *Disposal.* It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use us subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

§ 721.11143 Alkanoic acid, alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated, polymers with substituted alkanenitrile-initiated, alkanoic acid-alkane substituted acrylates-substituted carbomonocycle polymer, compds. with alkylamino alkanol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanoic acid, alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated, polymers with substituted alkanenitrile-initiated, alkanoic acid-alkane substituted acrylates-substituted carbomonocycle polymer, compds. with alkylamino alkanol (PMN P–17–265) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture the chemical substance with an acid concentration greater than 20%. It is a significant new use to manufacture the chemical substance with an amine concentration greater than 5%.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11144 Manganese bipyridine carboxylate complex (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as manganese bipyridine carboxylate complex (PMN P–17–301) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this Order do not apply to quantities of the chemical substance after they have been entrained in cured coating or ink.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (5)(respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10), (a)(6)(particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (iii), and (ix) (eye irritation), (g)(2)(ii), (iii), and (iv), (avoid skin and eye contact), (use skin and eye protection), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (surface drier in clear and pigmented coatings systems) and (p) (430,000 kilograms).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11145 Sulfuric acid mixed salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfuric acid mixed salt (PMN P–17–318) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(6)(v), (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (irritation to eye, respiratory, and GI tract), (corrosion), (acute toxicity), (g)(2)(i) and (iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (q). It is a significant new use to manufacture of the chemical substance with more than 1.0% free ammonia content.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11146 2-Propenoic acid, alkyl-2-(alkylalkyl)alkyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as 2-propenoic acid, alkyl-2-(alkylalkyl)alkyl ester (PMN P–17–323) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii) and (iv), (a)(3), (a)(6)(v), (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(iv), (ix), (skin and eye irritation), (oncogenicity), (sensitization), (g)(2)(i), (iii) and (v), (use eye protection), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k)(reactive monomer for use in producing polymers), and (q).

(iv) *Release to water.* Release to water requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11147 Allyloxymethylacrylate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as allyloxymethylacrylate (PMN P–17–326) is subject to reporting under this section for the significant new uses as described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3) through (5)(respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 10), (a)(6)(v), (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measure (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (iv), (vi), and (ix), (sensitization), (g)(2)(i) through (v), (g)(3)(i) and (ii), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11148 Polyurethane, methacrylate blocked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyurethane, methacrylate blocked (PMN P–17–345) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), (a)(6)(v), (particulate (including solids or liquid droplets)), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measure (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(irritation to skin, eyes, lungs, and mucous membranes), (g)(2)(i), (ii), (iii), and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the chemical substance more than 6 months. It is a significant new use to modify manufacture, processing, or use if it results in inhalation exposure to vapor, dust, mist, or aerosols to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except ss modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

[FR Doc. 2019–22205 Filed 10–11–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 180831813–9170–02]

RIN 0648–XY047

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of Pacific cod by vessels using trawl gear and not participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2019 total allowable catch of Pacific cod allocated to vessels using trawl gear and not participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 9, 2019, through 2400 hours, A.l.t., December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2019 total allowable catch (TAC) of Pacific cod allocated to vessels using trawl gear and not participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the GOA is 2,148 metric tons (mt) as established by the final 2019 and 2020 harvest specifications for groundfish of the GOA (84 FR 9416, March 14, 2019).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2019 TAC of Pacific cod allocated to vessels using trawl gear and not participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the GOA will be reached. Therefore, NMFS is requiring that Pacific cod caught by vessels using trawl gear and not participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b). This closure does not apply to fishing by vessels participating in the cooperative fishery of the Rockfish Program for the Central Regulatory Area of the GOA.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting the retention of Pacific cod by vessels using trawl gear and not participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 7, 2019.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: October 9, 2019.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–22424 Filed 10–9–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 199
Tuesday, October 15, 2019

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0665; Product Identifier 2019–NE–25–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) CF34–1A, CF34–3A, CF34–3A1, CF34–3A2, CF34–3B, and CF34–3B1 model turbofan engines. This proposed AD was prompted by an in-flight failure of a fan blade that led to an in-flight shutdown. This proposed AD would require removal and replacement of the affected fan blades. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 29, 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 General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0665; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov.*

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–2019–0665; Product Identifier 2019–NE–25–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The FAA was notified of an in-flight failure of a fan blade installed on a GE CF34–3B1 engine. As a result of this failure, the crew shut down the engine and performed an air turnback and a safe landing. A review by GE determined that a lance peen was not performed on certain fan blades after a repair done at a repair station between 2007 and 2009. Fan blades can lose their compressive residual stress during certain electron beam weld repairs and hot form repairs. The loss of mechanical properties is restored with the lance peening process called out in these repairs. During an audit, GE identified the fan blades referenced in paragraph (c) of this AD as suspected of missing lance peening. This condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed GE Service Bulletin (SB) CF34–BJ S/B 72–0306, dated September 27, 2017, and GE SB CF34–AL S/B 72–0314, dated September 27, 2017. GE SB CF34–BJ S/B 72–0306 describes procedures for removal and replacement of affected fan blades installed on CF34–1A, –3A, –3A1, –3A2, and –3B model turbofan engines. GE SB CF34–AL S/B 72–0314 describes procedures for removal and replacement of affected fan blades installed on CF34–3A1 and –3B1 model turbofan engines.

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 GE SB CF34–AL S/B 72–0148, Revision 05, dated July 23, 2015; and GE SB CF34–BJ S/B 72–0123, Revision 04, dated October 21, 2015. GE SB CF34–AL S/B 72–0148 describes procedures for repair of fan blades installed on GE CF34–3A1 and –3B1 model turbofan engines. GE SB CF34–BJ S/B 72–0123 describes procedures for repair of fan blades installed on GE CF34–1A, –3A, –3A1, –3A2, and –3B model turbofan engines.

FAA's Determination

The FAA is proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require removal and replacement of the affected fan blades.

Costs of Compliance

The FAA estimates that this proposed AD affects 121 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace fan blade	2 work-hours × $85 per hour = $170	$11,000	$11,170	$1,351,570

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2019–0665; Product Identifier 2019–NE–25–AD.

(a) Comments Due Date

The FAA must receive comments by November 29, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CF34–1A, CF34–3A,CF34–3A1, CF34–3A2, CF34–3B, and CF34–3B1 model turbofan engines having a fan blade with a part number listed in Planning Information, paragraph 1.A., of GE Service Bulletin (SB) CF34–AL S/B 72–0314, dated September 27, 2017 or of GE SB CF34–BJ S/B 72–0306, dated September 27, 2017, and with any serial number listed in paragraph 4., Appendix A, of GE SB CF34–AL S/B 72–0314 or of GE SB CF34–BJ S/B 72–0306.

(d) Subject

Joint Aircraft System Component (JASC) Code 7220, Turbine Engine Inlet Section.

(e) Unsafe Condition

This AD was prompted by an in-flight failure of a fan blade that led to an in-flight shutdown. The FAA is issuing this AD to prevent failure of the fan blade. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Remove the affected fan blades from service within 90 days after the effective date of this AD and replace with a part eligible for installation.

(h) Definition

A part that is eligible for installation is any fan blade other than those identified by paragraph (c) of this AD or a fan blade that has been repaired per GE SB CF34–AL S/B 72–0148, Revision 05, dated July 23, 2015; or GE SB CF34–BJ S/B 72–0123, Revision 04, dated October 21, 2015.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov*.

(2) For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com*. You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the

availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on October 7, 2019.

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019–22393 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–121508–18]

RIN 1545–BO97

Multiple Employer Plans; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Proposed rule; notice of hearing.

SUMMARY: This document provides a notice of public hearing on proposed regulations relating to the tax qualification of plans maintained by more than one employer. These plans, maintained pursuant to section 413(c) of the Internal Revenue Code (Code), are often referred to as multiple employer plans or MEPs.

DATES: The public hearing is being held on Wednesday, December 11, 2019, at 10:00 a.m. The IRS must receive speakers' outlines of the topics to be discussed at the public hearing by Monday, November 25, 2019. If no outlines are received by November 25, 2019, the public hearing will be cancelled.

ADDRESSES: The public hearing is being held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue NW, Washington, DC 20224. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present a valid photo identification to enter the building.

Send Submissions to CC:PA:LPD:PR (REG–121508–18), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday to CC:PA:LPD:PR (REG–121508–18), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224 or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–121508–18).

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Pamela Kinard at (202) 317–6000 or Jamie Dvoretzky at (202) 317–4102; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing, Regina Johnson at (202) 317–6901 (not toll-free numbers), *fdms.database@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking (REG–121508–18) that was published in the **Federal Register** on Wednesday, July 3, 2019 (84 FR 31777).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted written comments by October 1, 2019, must submit an outline of the topics to be addressed and the amount of time to be devoted to each topic by Monday, November 25, 2019.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or by contacting the Publications and Regulations Branch at (202) 317–6901(not a toll-free number).

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

Martin V. Franks,

Branch Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2019–22369 Filed 10–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2019–0008; Notice No. 186]

RIN 1513–AC53

Proposed Establishment of the Royal Slope Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the 156,389-acre ''Royal Slope'' viticultural area in Adams and Grant Counties, in Washington. The proposed viticultural area lies entirely within the existing Columbia Valley viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received December 16, 2019.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2019–0008 as posted on *Regulations.gov* (*https://www.regulations.gov*), the Federal e-rulemaking portal. Please see the ''Public Participation'' section of this document below for full details on how to comment on this proposal via *Regulations.gov*, U.S. mail, or hand delivery, and for full details on how to view or obtain copies of this document, its supporting materials, and any comments related to this proposal.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Order 120–01, dated December 10, 2013, (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB

Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- An explanation of the proposed AVA is sufficiently distinct from an existing AVA so as to warrant separate recognition, if the proposed AVA is to be established within, or overlapping, an existing AVA; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Royal Slope Petition

TTB received a petition from Dr. Alan Busacca, a licensed geologist and founder of Vinitas Vineyard Consultants, LLC, on behalf of the Royal Slope Wine Grower's Association, proposing the establishment of the ''Royal Slope'' AVA. The proposed Royal Slope AVA is located in east-central Washington and covers portions of Adams and Grant Counties. The proposed AVA lies entirely within the established Columbia Valley AVA (27 CFR 9.74) and does not overlap any other existing or proposed AVA, although a small portion of the proposed AVA's northern boundary is shared with the southern boundary of the established Ancient Lakes of Columbia Valley AVA (27 CFR 9.227). The proposed Royal Slope AVA covers 156,389 acres and contains 1 winery and 13 commercially-producing vineyards that cover a total of approximately 14,100 acres. Approximately 100 additional acres of wine grapes were planted in 2016, and winegrowers report that they plan to plant about 200 additional acres of wine grapes in 2017 (Table 1).

The distinguishing features of the proposed Royal Slope AVA are its climate, topography, geology, and soils. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Royal Slope AVA and its supporting exhibits.

Name Evidence

The proposed Royal Slope AVA is a heavily farmed region of rolling hills that gently slope towards the south. According to the petition, one story of the origin of the region's name is that a pair of Scotsmen climbed the nearby Saddle Mountains in the early 1900's. As they surveyed the topography below, with its south-facing slopes that were desirable for farming, one of the men was purported to have exclaimed, ''Now that's a royal slope!''

The petition included examples of the use of the term ''Royal Slope'' to describe or refer to the region of the proposed AVA. The petition noted that the region of the proposed AVA is labeled as ''Royal Slope'' on U.S.G.S. maps dating back to 1951. A search of the U.S. Board on Geographic Names database [1] shows that ''Royal Slope'' is the name of a slope in Grant County, Washington, where the proposed AVA is located. A road within the proposed AVA is named Royal Slope Road, and a local dairy is named Sunny Royal Slope Dairy. Finally, the petition notes that the port district that serves the region of the proposed AVA is named the Port of Royal Slope.

The petition also included several examples of use of the term ''Royal Slope'' to refer to the region of the proposed AVA in printed and online media. For example, a 1996 thesis from Central Washington University is entitled ''Mid-Twentieth Century Pioneering of the Royal Slope, Central Washington.'' [2] An article from a major agricultural weekly newspaper about the grain harvest within the region of the proposed AVA is entitled ''Triticale harvest under way on Royal Slope.'' [3] An article from a local newspaper describes a businessman who started a fruit freezing and drying company after he ''moved to the Royal Slope in 1962.'' [4] An article from an agricultural magazine describes an orchard manager's discovery of a new variety of apple in an orchard ''on Washington's Royal Slope.'' [5] Several vineyards within the proposed AVA list their location as ''Royal Slope'' on their websites, including Lawrence Vineyards.[6] Finally, the Washington Wine Commission's website describes the location of both Lawrence Vineyards and Stillwater Creek Vineyard as being on the Royal Slope.[7] The petition also stated that the name ''Royal Slope'' is not used for any other geographic region in the United States, as attested to in the U.S. Board on Geographic Names Geographic Names Information System.

Boundary Evidence

The proposed Royal Slope AVA is a rectangular region with an east-west orientation. It is located on the south-facing slopes of a range of hills known as the Frenchman Hills. The northern boundary of the proposed AVA mainly follows the southern boundary of the

[1] *https://geonames.usgs.gov.*

[2] *http://digitalcommons.cwu.edu/thesis_projects/52.*

[3] *https://www.capitalpress.com/state/washington/triticale-harvest-under-way-on-royal-slope/article_7b741500-aa2a-5a7f-bfde-093d2d039ab4.html.*

[4] *www.Columbiabasinherald.com/crescent_bar_chronicle/news/business/article_8b7c49a2-327d-11e2-976c-001a4bcf887a.html.*

[5] *www.goodfruit.com/a-grower-reaches-out-to-consumers.*

[6] *www.lawrencevineyards.com.*

[7] *www.washingtonwine.org/explore/map.*

Desert Unit of the Columbia Basin State Wildlife Area, which is unavailable for commercial viticultural purposes due to its status as a wildlife refuge. The petition also states that the region to the north of the proposed AVA is within the geographical feature known as the Quincy Basin, which is very flat and has lower elevations than the proposed AVA. The proposed eastern boundary also follows wildlife refuge boundaries, namely the Goose and the Columbia National Wildlife Refuge. The proposed southern boundary largely follows the 250-meter (approximately 820 feet) elevation contour that separates the fertile, gently rolling terrain of the proposed AVA from the lower, less fertile ''scablands'' of the Crab Creek Coulee. The proposed western boundary also follows the 250-meter elevation contour that separates the proposed AVA from less fertile lands along the Columbia River.

Distinguishing Features

The distinguishing features of the proposed Royal Slope AVA are its climate, topography, geology, and soils.

Climate

The petition included data on several aspects of climate gathered between 2009 and 2016 from three locations within the proposed Royal Slope AVA and five nearby locations outside the proposed AVA. The petition also included the same climate data for a location within the established Red Mountain AVA (27 CFR 9.167), which is approximately 40 miles south of the proposed AVA, and a separate location within the established Horse Heaven Hills AVA (27 CFR 9.188), which is approximately 67 miles south of the proposed AVA. Due to the distance of both the Red Mountain AVA and the Horse Heaven Hills AVA from the proposed AVA, as well as the availability of sufficient climate data from sources closer to the proposed AVA, TTB does not consider the climate data from these two established AVAs to be relevant to the proposed Royal Slope AVA petition and is not including that data in this document.

CLIMATE OF THE PROPOSED ROYAL SLOPE AVA AND SURROUNDING REGIONS

Weather station location (direction from proposed AVA)	Mean annual air temperature (degrees fahrenheit (F))	Average annual growing degree days (GDDs) [8]	Cool-climate viticulture sustainability index [9] (CCVSI)	Number of days with temperatures below 32 degrees F annually	Number of days with temperatures above 95 degrees F annually
Royal Slope East, (within proposed AVA)	52.2	2,951	242	79	9
Royal City East, (within proposed AVA)	51.4	2,776	232	89	7
Royal City West, (within proposed AVA)	51.8	2,978	229	95	12
Broadview (west)	47.2	1,940	159	161	6
Othello (east)	50.3	2,522	204	107	7
Frenchman Hills, (north)	50.1	2,484	207	118	6
Quincy (north)	50.7	2,807	242	95	2
Desert Aire (south)	54.7	3,518	260	77	23

Withinthe proposed Royal Slope AVA, the mean annual air temperature is slightly warmer than temperatures in the regions to the north, east, and west, and slightly cooler than in the region to the south. The petition describes the temperatures within the proposed AVA as warm but not excessively hot, making it a suitable climate for growing a variety of red and white varietals of *Vitis vinifera* grapes, including Cabernet Franc, Merlot, Syrah, Chardonnay, and Riesling.

The GDD totals from within the proposed AVA show a more significant difference between the climate of the proposed AVA and the surrounding regions. Two of the three stations within the proposed AVA have greater GDD totals than all of the surrounding regions except the region to the south, while the third station's GDD total is greater than all the surrounding regions except the region to the south and the Quincy station to the north. According to the petition, all three stations within the proposed AVA are classified as being within the Winkler Region II, which includes regions with GDD totals between 2,501 and 3,000. The petition states that locations classified as Winkler Region II are suitable for growing all but the latest of the late-ripening grape varietals.

The average CCVSI number for the three locations within the proposed Royal Slope AVA is 234, indicating a long growing period without hard freezes. Only the region to the south has a greater CCVSI number than any of the stations within the proposed AVA, while the Quincy station to the north has the same CCVSI number as the warmest station within the proposed AVA. The remaining stations outside of the proposed AVA have, on average, CCVSI numbers indicating between 30 and 70 fewer growing season days than the locations within the proposed AVA. According to the petition, larger CCVSI numbers correlate with better sites to fully ripen grapes.

In addition to having a long period of time between hard freezes, the proposed AVA also has fewer days per year with temperatures below 32 degrees Fahrenheit (F) than most of the surrounding regions. The only location with fewer days with temperatures below 32 degrees F than all of the locations within the proposed AVA is the region to the south. The Quincy station, to the north, has more days with temperatures below 32 degrees F than two of the stations within the proposed AVA and the same number of days with temperatures below 32 degrees F as one of the stations. This data shows the proposed AVA is at less risk of vine-damaging freezes due to having a smaller number of days per year with temperatures below 32 degrees F than most of the surrounding regions.

Finally, the petition included information about the number of days with temperatures above 95 degrees F within the proposed AVA and surrounding regions. The proposed AVA has an average of only 9 days a year with temperatures over 95 degrees F, whereas the region to the south is

[8] In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual growing degree days (GDDs), defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth. See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), pages 61–64.

[9] CCVSI represents the number of days between the last temperature below 29 degrees F in the spring and the first temperature below 29 degrees F in the fall.

significantly hotter, averaging 23 days a year. The regions to the north, east, and west all have fewer very hot days than the proposed AVA. The petition states that at temperatures above 95 degrees F, grape vines shut down photosynthesis, slowing or even stopping the synthesis of sugars and other ripening factors. As a result, harvest may be delayed into the fall, when seasonal rains or cold snaps could damage fruit still left on the vine.

The petition also provided information on the average minimum nighttime temperature during veraison, mean minimum temperature, and mean annual wind run for each of the locations. However, because the petition did not discuss the viticultural effects of those aspects of climate, TTB was unable to determine if they were distinguishing features of the proposed AVA, and they are not discussed in this document. All of the climate data is available in the online docket for this proposed AVA, Docket No. TTB–2019–0008, at *www.regulations.gov.*

Topography

The proposed Royal Slope AVA is located on the gentle, south-facing slopes of an east-west trending range of hills called the Frenchman Hills. Elevations within the proposed AVA range from 610 feet in the extreme southeastern portion of the proposed AVA to 1,756 feet in the extreme northeastern portion. The majority of the slope angles within the proposed AVA are less than 15 percent, but very few slopes have angles less than 3 percent. The slopes are gentle enough for agricultural purposes, including vineyards, and are not as freeze-prone as flatter terrains such as valley floors.

To the north of the proposed AVA, the Frenchman Hills fall away to the Quincy Basin, a large, flat-floored valley. The portion of the Quincy Basin along the northeastern edge of the proposed AVA is also covered with sand dunes and ''pothole'' ponds that formed in the low areas between dune crests. This region of pothole ponds and dunes is also part of the Columbia Basin State Wildlife Area and is therefore unavailable for commercial agricultural purposes.

To the east, south, and west of the proposed AVA are the Crab Creek Coulee and the canyon of the Columbia River, respectively. The topography of these regions is characterized by large areas of craggy, exposed bedrock with steep slopes that are mostly greater than 35 percent. The petition describes Crab Creek Coulee as a ''moonscape of bedrock-dominated scabland'' that is suitable only for wildlife habitat and light livestock grazing. The floor of the coulee is significantly lower than the elevations within the proposed AVA, with the lowest point within the coulee being 490 feet. Along the Columbia River, the elevations are also lower than within the proposed AVA, and the terrain is generally too steep and rocky for cultivation. West of the Columbia River, the topography quickly rises to form the foothills of the Cascade Range, which has higher elevations and steeper slopes than the proposed AVA and lacks the climate, slope orientation, or soils suitable for cultivation.

Geology

According to the petition, the entire Columbia Valley AVA, including the region of the proposed Royal Slope AVA, is underlain with Miocene-era basaltic bedrock and has been affected by Ice Age megafloods. However, the petition states that these floods affected the various sub-regions of the Columbia Valley AVA in different ways. For example, in the region of the proposed Royal Slope AVA, floodwaters followed flood channels to the east and northeast of the proposed AVA, within the Frenchman Hills. The waters entered the region in a relatively smooth fashion, and the proposed AVA remained largely above the floodwaters. As a result, the region of the proposed AVA was not heavily eroded and remained a landscape of gentle hills with deep soils suitable for cultivation.

By contrast, the regions to the east and south of the proposed AVA were affected by very fast, deep, and turbulent flood waters that flowed into the valley separating the Frenchman Hills and the proposed Royal Slope AVA from the Saddle Mountains. As these fast-moving waters flowed through the narrow valley, they cut deeply into the landscape and formed the eroded ''scablands'' of the Crab Creek Coulee. Similarly strong floodwaters flowed through the Columbia River, to the west of the proposed AVA, and created a steep, deeply-scarred river canyon. To the north of the proposed AVA, the floodwaters flowed more gently and smoothly over the flat landscape of the Quincy Basin, depositing vast amounts of sand that formed depths of over 100 feet in places and creating a landscape of dunes and ''pothole'' lakes.

Farther south of the Crab Creek Coulee is the established Wahluke Slope AVA (27 CFR 9.192) on the southern slopes of the Saddle Mountains. Although the Wahluke Slope AVA is a gently sloping region with a gently undulating surface, the petition states that the Wahluke Slope AVA has a different geologic history than the proposed Royal Slope AVA. According to the petition, the Wahluke Slope AVA is located on an alluvial fan or fan delta. The fan formed when the repeated Ice Age megafloods flowing in the many floodways and coulees around the region of the proposed Royal Slope AVA combined in the channel of the Columbia River and traveled south. These floodwaters then broke through a narrow watergap in the Saddle Mountains, known as Sentinel Gap. Since the gap is only about a mile wide, it restricted the flow of the floodwaters, which backed up to great depth upstream of the gap and eventually jetted through the gap with great force. The floodwaters carried sand, silt, cobbles, gravels, and boulders through the gap and deposited them in a widening fan-shaped triangle that formed the slope on which the Wahluke Slope AVA is located.

Soils

The soils within the proposed Royal Slope AVA are a combination of sediments and soils from glacial floods and wind-blown post-glacial sand and silt (loess). The soils within the proposed AVA are generally deep enough for vines to extend their roots far into the soil before encountering bedrock or other impediment. The predominant soils are classified as Aridisols, which are characterized by loamy-to-sandy textures and very low amounts of humified organic material, so vine vigor is naturally low. The soils are also well drained and have naturally low soil moisture, so growers can easily control vine development via the timing and amounts of drip irrigation applied during the growing season. The petition states that the major soil series are Warden, Sagemoor, Adkins, and Kennewick, which together comprise approximately 59 percent of the total soil in the proposed AVA and approximately 75 percent of the vineyard acreage.

To the immediate east, west, and south of the proposed AVA are the scablands of the Crab Creek Coulee and the Columbia River Valley. In these regions, the Ice Age floodwaters stripped away most of the soil, leaving behind exposed bedrock. Normal erosion processes in post-glacial times have continuously removed any loose soil materials, maintaining the scabland characteristics and leaving behind a rocky landscape unable to support agricultural activities.

Farther south of the proposed AVA, within the established Wahluke Slope AVA, the soils are deep and fertile enough for agricultural purposes, including viticulture. However, the petition states that the soils of the

Wahluke Slope AVA are different from those of the proposed AVA. For example, the Adkins soil series, which is the most prominent soil series of the proposed AVA, is not found within the Wahluke Slope AVA. Instead, the most common soil series in the Wahluke Slope AVA is the Quincy soil series, which makes up 32.6 percent of the soils of the Wahluke Slope AVA but comprises less than 2 percent of the soils of the proposed Royal Slope AVA. Additionally, soils within the Wahluke Slope AVA are predominately classified as Entisols, rather than Aridisols. The petition states that Entisol soils are extremely well-drained due to their high sand content and are very susceptible to wind erosion. Although the soils of the Wahluke Slope AVA have been developed for viticulture, the petition states that vineyard owners with vines planted in Entisol soils face more challenges than owners of vineyards planted in Aridosol soils due to their ''extreme droughtiness'' and ''extreme wind erosion hazard.''

To the north of the proposed AVA, within the established Ancient Lakes of Columbia Valley AVA, the soils are also predominately Entisols. The Quincy soil series is also the most common soil series in this region, making up approximately 19 percent of the soils.

Summary of Distinguishing Features

In summary, the climate, topography, geology, and soils of the proposed Royal Slope AVA distinguish it from the surrounding regions. The following table summarizes the differences between the proposed AVA and the surrounding regions.

SUMMARY OF DISTINGUISHING FEATURES

Region	Climate	Topography	Geology	Soils
Proposed Royal Slope AVA.	Moderately warm Winkler Region II with a long growing season.	Rolling hills with gentle south-facing slopes.	Remained relatively untouched by Ice Age floods; little exposed bedrock.	Deep, well-drained soils derived from glacial sediments and loess; predominately Aridisols of the Adkins soil series.
North	Slightly cooler temperatures with generally shorter growing season.	Large, flat-floored valley with regions of sand dunes and ''pothole'' ponds.	Ice Age floods deposited large quantities of sand and formed ''pothole'' ponds.	Sandy soils; predominately Entisols of the Quincy soil series.
East	Slightly cooler temperatures with shorter growing season.	Rocky, steep-sided ''scabland'' coulee.	Deeply eroded by Ice Age floods, leaving behind large quantities of exposed bedrock.	Very little soil due to erosion.
South	Significantly warmer temperatures with longer growing season.	Rocky, steep-sided ''scabland'' coulee to immediate south; gently sloping terrain farther south in Wahluke Slope AVA.	To the immediate south, deeply eroded by Ice Age floods, leaving behind large quantities of exposed bedrock; farther south, the Wahluke Slope AVA is an alluvial fan created by Ice Age floods.	To the immediate south, very little soil due to erosion; in Wahluke Slope AVA, sandy soils, including Entisols of the Quincy soil series.
West	Significantly cooler temperatures with significantly shorter growing season.	Rocky, steep-sided canyon of the Columbia River; farther west, the rugged slopes of the Cascade Range.	Deeply eroded by Ice Age floods, leaving behind large quantities of exposed bedrock.	Very little soil due to erosion.

Comparison of the Proposed Royal Slope AVA to the Existing Columbia Valley AVA

T.D. ATF–190, which published in the **Federal Register** on November 13, 1984 (49 FR 44895), established the Columbia Valley AVA in central Washington and the north-central portion of Oregon. The Columbia Valley AVA is described in T.D. ATF–190 as a large, treeless basin of undulating hills surrounding the Snake, Yakima, and Columbia Rivers within the rain shadow of the Cascade Mountains. The climate of the Columbia Valley AVA is characterized by a growing season length of over 150 days and annual rainfall totals of 15 inches or less.

The proposed Royal Slope AVA is located in the western central portion of the Columbia Valley AVA and shares some broad characteristics with the established AVA. For example, the proposed AVA is also a treeless region of undulating hills and is adjacent to the Columbia River. Additionally, the growing season of the proposed AVA is longer than 150 days, with an average growing season length of 234 days. Furthermore, although precipitation is not a distinguishing feature of the proposed AVA, the petition notes that annual rainfall amounts within the proposed Royal Slope AVA average 6.5 inches, which is within the range of the annual precipitation amounts for the Columbia Valley AVA. However, the smaller proposed AVA is much more uniform in its climate, topography, geology, and soils than the much larger established Columbia Valley. For example, the proposed Royal Slope AVA does not contain any ''scablands'' or other regions with large amounts of exposed bedrock. The proposed AVA also has a more limited variety of soils than the more diverse Columbia Valley AVA.

TTB Determination

TTB concludes that the petition to establish the approximately 156,389-acre Royal Slope AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Royal Slope,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Royal Slope'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Royal Slope AVA would not affect any existing AVA, and any bottlers using ''Columbia Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Royal Slope AVA would not be affected by the establishment of this new AVA. The establishment of the proposed Royal Slope AVA would allow vintners to use ''Royal Slope'' and ''Columbia Valley'' as appellations of origin for wines made from grapes grown within the proposed Royal Slope AVA, if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Royal Slope AVA's location within the existing Columbia Valley AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing Columbia Valley AVA. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Columbia Valley AVA that the proposed Royal Slope AVA should no longer be part of that AVA. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Royal Slope AVA on wine labels that include the term ''Royal Slope'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2019–0008 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *https://www.regulations.gov.* A direct link to that docket is available under Notice No. 186 on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via *Regulations.gov*. For complete instructions on how to use *Regulations.gov*, visit the site and click on the ''Help'' tab.
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In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via *Regulations.gov*, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2019–0008 on the Federal e-rulemaking portal, *Regulations.gov*, at *https://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 186. You may also reach the relevant docket through the *Regulations.gov* search page at *https://www.regulations.gov.* For information on how to use *Regulations.gov*, click on the site's ''Help'' tab.

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mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW, Suite 400, Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's Regulations and Rulings Division at the above address, by email at *https://www.ttb.gov/webforms/contact_RRD.shtm*, or by telephone at 202–453–1039, ext. 175, to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Add § 9.____ to read as follows:

§ 9.____Royal Slope.

(a) *Name.* The name of the viticultural area described in this section is ''Royal Slope''. For purposes of part 4 of this chapter, ''Royal Slope'' is a term of viticultural significance.

(b) *Approved maps.* The one United States Geological Survey (USGS) 1:100,000 scale topographic map used to determine the boundary of the Royal Slope viticultural area is ''Priest Rapids, WA,'' 2015.

(c) *Boundary.* The Royal Slope viticultural area is located in Grant and Adams Counties in Washington. The boundary of the Royal Slope viticultural area is as described in paragraphs (c)(1) through (17) of this section:

(1) The point of the beginning is on the Priest Rapids map at the intersection of the 250 meter elevation contour and the northern boundary of Section 8, T17N/R23E. From the beginning point, proceed east for approximately 7 miles along the northern boundaries of Sections 8, 9, 10, 11, and 12, T17N/R23E, and Sections 7 and 8, T17N/R24E to the northeast corner of Section 8, T17N/R24E; then

(2) Proceed south for approximately 1 mile along the eastern boundary of Section 8 to the southeast corner of Section 8, T17N/R24 E; then

(3) Proceed east for approximately 4 miles along the southern boundaries of Sections 9, 10, 11, and 12, T17N/R24E, to the southeastern corner of Section 12, T17N/R24E; then

(4) Proceed north for approximately 1.8 miles along the eastern boundaries of Sections 12 and 1, T17N/R24E, to the intersection of the eastern boundary of Section 1 and the southern boundary of the Desert Unit of the Columbia Basin State Wildlife Area; then

(5) Proceed easterly for approximately 20 miles along the boundary of the Desert Unit of the Columbia Basin State Wildlife Area to the intersection of the wildlife area boundary with O'Sullivan Dam Road/State Highway 262; then

(6) Proceed east for approximately 1.5 miles along O'Sullivan Dam Road/State Highway 262 to the intersection of the road with an unnamed road known locally as H Road SE; then

(7) Proceed southeasterly for approximately 1.6 miles along H Road SE to the intersection of the road with the southern boundary of Section 16, T17N/R28E; then

(8) Proceed east for approximately 0.4 mile along the southern boundary of Section 16 to the intersection of the southeastern corner of Section 16, T17N/R28E, and the western boundary of the Columbia National Wildlife Refuge; then

(9) Proceed southerly, then southwesterly, for approximately 8 miles along the western boundary of the Columbia National Wildlife Refuge and the concurrent western boundary of the Goose Lakes Unit of the Columbia Basin State Wildlife Area to the intersection of the wildlife refuge boundary with the eastern boundary of Section 14, T16N/R27E; then

(10) Proceed south along the eastern boundaries of Sections 14, 23, 26, and 35, T16N/R27E, to the intersection of the eastern boundary of Section 35 with State Highway 26; then

(11) Proceed northwesterly for approximately 3 miles along State Highway 26 to the intersection of the highway with the 250-meter elevation contour in the southwest corner of Section 21, T16/R27E; then

(12) Proceed westerly for approximately 28 miles along the 250-meter elevation contour to the intersection of the elevation contour with the eastern boundary of Section 26, T16N/R23E; then

(13) Proceed north for approximately 1,100 feet along the eastern boundary of Section 26 to the northeast corner of Section 26, T16N/R23E; then

(14) Proceed west for 1 mile along the northern boundary of Section 26, T16N/R23E, to the intersection with the eastern boundary of Section 22, T16N/R23E; then

(15) Proceed north for 1 mile along the eastern boundary of Section 22 to the northern boundary of Section 22, T16N/R23E; then

(16) Proceed west for approximately 1.05 miles along the northern boundary of Section 22, T16N/R23E, to the intersection of the section boundary with the 250-meter elevation contour; then

(17) Proceed northerly for approximately 10 miles along the 250-meter elevation contour to return to the beginning point.

Signed: July 10, 2019.

Mary G. Ryan,

Acting Administrator.

Approved: September 23, 2019.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2019–22266 Filed 10–11–19; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2019–0007; Notice No. 185]

RIN 1513–AC51

Proposed Establishment of the Alisos Canyon Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 5,774-acre ''Alisos Canyon'' viticultural area in Santa Barbara County, California. The proposed viticultural area lies entirely within the established Central Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by December 16, 2019.

ADDRESSES: You may electronically submit comments to TTB on this proposal, and view copies of this document, its supporting materials, and any comments TTB receives on it within Docket No. TTB–2019–0007 as posted on *Regulations.gov* (*https://www.regulations.gov*), the Federal e-rulemaking portal. Please see the ''Public Participation'' section of this document below for full details on how to comment on this proposal via *Regulations.gov*, U.S. mail, or hand delivery, and for full details on how to view or obtain copies of this document, its supporting materials, and any comments related to this proposal.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Order 120–01, dated December 10, 2013, (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Alisos Canyon Petition

TTB received a petition from Wesley D. Hagen, on behalf of local vineyard owners and winemakers, proposing the establishment of the ''Alisos Canyon'' AVA. The proposed Alisos Canyon AVA is located within Santa Barbara County, California. The proposed AVA lies entirely within the established Central Coast AVA (27 CFR 9.75) and contains approximately 5,774 acres. Nine commercially-producing vineyards are planted within the proposed AVA and cover a total of approximately 238 acres. There is also one winery within the proposed AVA.

According to the petition, the distinguishing features of the proposed Alisos Canyon AVA include its climate and soils. The petition also listed topography and geology as distinguishing features of the proposed AVA. However, based on the petition's descriptions, topography and geology appear to be too integral to the region's climate and soils, respectively, to be considered separately from those features. Therefore, TTB does not consider topography and geology to be separate distinguishing features of the proposed AVA. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Alisos Canyon AVA and its supporting exhibits.

Name Evidence

The proposed Alisos Canyon AVA derives its name from a geographical feature that runs through the region. U.S.G.S. maps identify the feature as ''Cañada de los Alisos,'' which translates to ''Canyon of the White Alder Trees.'' The petition states that residents more commonly refer to the canyon as ''Alisos Canyon.'' As evidence of use of the proposed name to describe the region, the petition notes that a road running through the proposed AVA is known as ''Alisos Canyon Road,'' and a popular biking route is known as the ''Alisos Canyon Loop.'' The petition also included a page from a website for motorcycle enthusiasts that states, ''Alisos Canyon also provides you with some looping opportunities utilizing Foxen Canyon, Hwy. 154 and Hwy. 101.'' [1] Finally, the petition notes that an equestrian center adjacent to the proposed AVA is called ''Alisos Canyon Equine Center.''

The petition also provided evidence that the name ''Alisos Canyon'' is used by the wine industry to describe the region of the proposed AVA. An article on a Santa Barbara County wine blog notes that, ''Starting in the east, near the northern boundary of the Santa Ynez Valley AVA, we find perhaps the area's most acclaimed sub-region: Alisos Canyon.'' [2] The article also states, ''For Rhones, Alisos Canyon is still a cool area and fairly uniform in temperature from its mouth east of the 101 most of the way to Foxen Canyon.'' An article in Wine Enthusiast is entitled ''Alisos and Foxen Canyons: Santa Barbara's Hidden Gems.'' [3] An online wine store specializing in rare wines notes on its page about Sine Qua Non winery, ''In the future, [winemaker Manfred] Krankl's newest vineyard in Alisos Canyon will be an additional component part.'' [4] Finally, the website for Thompson Vineyard, which is within the proposed Alisos Canyon AVA, features a quote from wine critic Robert Parker that says, ''One of my favorite Central Coast sites is the Santa Barbara vineyard in the Alisos Canyon known as the Thompson Vineyard.'' [5]

Boundary Evidence

The proposed Alisos Canyon AVA is located in Santa Barbara County north of U.S. Highway 101. The established Santa Maria Valley AVA (27 CFR 9.28) lies to the north of the proposed AVA, and the established Santa Ynez Valley AVA (27 CFR 9.54) is located to the south. The climate of the proposed Alisos Canyon AVA is influenced by the San Antonio Creek drainage system, and the proposed northern boundary separates this drainage system from the Santa Maria River drainage system. The eastern boundary approximates the limit of the marine-cooled air flowing inland from the Pacific Ocean via the San Antonio Creek drainage system. Additionally, the petition notes that the region east of the proposed AVA is a different geological feature commonly known as Foxen Canyon. The southern boundary separates the proposed AVA from the region of the Santa Ynez Valley AVA, whose climate is influenced by the Santa Ynez River drainage system. The western boundary separates the proposed AVA from the coastal region of Santa Barbara County, whose climate is more strongly influenced by marine air. The petition also notes that the western boundary separates the proposed AVA from a separate geological feature known as Cat Canyon.

Distinguishing Features

The distinguishing features of the proposed Alisos Canyon AVA are its climate and soils.

Climate

The proposed Alisos Canyon AVA is located along the drainage system of San Antonio Creek, which flows into the Pacific Ocean. Cool marine air travels inland via the drainage system and affects temperatures. As the air travels up the San Antonio Creek and its drainage system, it becomes warmer. The proposed AVA is approximately 25 miles from the ocean and situated in a transitional region, between the cooler coastal regions and the warmer inland areas. According to the petition, the proposed AVA's location is a ''Goldilocks Rhone Zone,'' meaning that temperatures are neither too hot nor too cold for growing Rhone wine varietals such as Syrah, which is the most common varietal grown in the proposed AVA.

The petition included information on the average growing degree day [6] (GDD) accumulations from 1981 through 2015 from two locations within the proposed AVA and eight locations in the surrounding regions.

Average GDD accumulations from 1981–2015

Location (direction from proposed AVA)	Average GDD accumulations
Proposed Alisos Canyon AVA—eastern end	2,617
Proposed Alisos Canyon AVA—western end	2,691
State Route 135 Corridor (northwest)	2,511
Sta. Rita Hills AVA (southwest)	2,512
Ballard Canyon AVA—southern end (south)	2,776
Ballard Canyon AVA—northern end (south)	3,182
Sisquoc (north)	2,915
Comasa Canyon (east)	3,097
Zaca Creek (east)	3,642
Happy Canyon of Santa Barbara AVA (southeast)	3,781

To the northwest and southwest of the proposed AVA, the GDD accumulations are lower due to the proximity of the Pacific Ocean and the greater cooling influence of the marine air. To the immediate north of the proposed AVA in Sisquoc, GDD accumulations are higher than within the proposed AVA because ridges and hills trap warm air and block the cool marine air from entering that region. East and southeast of the proposed AVA, GDD accumulations become significantly higher as one moves beyond the extent of the marine influence. South of the proposed AVA, within the existing Ballard Canyon AVA (27 CFR 9.230), the GDD accumulations are also higher. According to the petition, the east-west valleys that bring cool marine air inland end prior to reaching the Ballard Canyon AVA, resulting in warmer temperatures than are found in the proposed Alisos Canyon AVA.

Soils

According to the petition, the soils of the proposed Alisos Canyon AVA are primarily derived from sandstone and shale. The most common soils within the proposed AVA are the Paso Robles Formation and Careaga Sandstone, which comprise 63 percent and 13 percent of the total soils, respectively. The petition describes the Paso Robles Formation as conglomerate or gravel composed mostly of siliceous shale pebbles in sandy to somewhat clayey matrix. The petition states that the high calcium content from the shale pebbles increases the thickness of the skins of red varietal wine grapes, which in turn increases the color and tannin levels in the resulting wine. The clay content

[1] *http://sbc-rides/goption.com/StreetRides/hwy101/alisos/hwy101_alisos.html.*

[2] *Winemerchantcafe.com/category/los-alamos.*

[3] *Winemag.com/gallery/californias-best-syrahs/#gallery-carousel-3.*

[4] *https://www.winehouse.com/product/2007-sine-qua-non-grenache-pictures-california-750ml.*

[5] *Thompsonvineyard.com/about-us/.*

[6] See Albert J. Winkler et al., General Viticulture 61—64 (Berkeley: University of California Press, 2nd ed. 1974). The Winkler method of calculating GDDs utilizes the monthly average above 50 degrees Fahrenheit (the minimum temperature required for grapevine growth) multiplied by the number of days in the month during the growing season.

aids in the uptake of nutrients to the vines.

Careaga sandstone is described as soft, fine-grained sandstone or sand, along with small marine shell fragments or pebbles. The petition states that the high sand content of the soil provides excellent drainage in vineyards, thus reducing the risks from certain pests such as nematodes and phylloxera. The low level of clay in the Careaga sandstone soils reduces the uptake of nutrients and reduces the vigor of the vines. As a result, the vines produce grapes that are smaller and have a higher skin-to-juice ratio than grapes of the same varietal grown in different soil.

The petition states that the soils to the north of the proposed Alisos Canyon AVA, in the Santa Maria Valley, have sandier topsoils than are found within the proposed AVA. South of the proposed AVA, the soils are characterized by Metz fine sandy loam. To the east of the proposed AVA, the soils are primarily derived from serpentine and chert, rather than sandstone and shale. To the west of the proposed AVA, the soils are described as deep, sandy soils of the Shedd, Chamise, and Point Sal Formation series.

Summary of Distinguishing Features

In summary, the climate and soils of the proposed Alisos Canyon AVA distinguish it from the surrounding regions. The proposed AVA has GDD accumulations that are higher than the marine-influenced regions to the northwest and southwest and are lower than the regions to the north, south, east, and southeast. The soils of the proposed AVA are derived primarily from sandstone and shale, and the most common soils are the Paso Robles Formation and Careaga sandstone. By contrast, the soils to the north of the proposed AVA contain more sand in the topsoil. The soils to the west of the proposed AVA are deeper and sandier than those of the proposed AVA, while the soils to the south of the proposed AVA are very fine sandy loams of the Mertz series. The soils to the east of the proposed AVA are derived from geologic parent materials that are not found within the proposed AVA.

Comparison of the Proposed Alisos Canyon AVA to the Existing Central Coast AVA

The Central Coast AVA was established by T.D. ATF–216, published in the **Federal Register** on October 24, 1985 (50 FR 43128). It includes all or portions of the California counties of Alameda, Contra Costa, Monterey, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz. T.D. ATF–216 describes the Central Coast AVA as extending from the city of Santa Barbara to the San Francisco Bay area, and east to the California Coastal Ranges. The only distinguishing feature of the Central Coast AVA discussed in T.D. ATF–216 is that all of the included counties experience marine climate influence due to their proximity to the Pacific Ocean.

The proposed Alisos Canyon AVA is located within the Central Coast AVA and shares the basic viticultural feature of that established AVA—the marine influence that moderates growing season temperatures in the area. The moderate GDD accumulations within the proposed AVA reflect a marine-influenced climate. However, the proposed AVA experiences a much smaller range of GDD accumulations within its proposed boundaries than the diverse, multicounty Central Coast AVA.

TTB Determination

TTB concludes that the petition to establish the 5,774-acre Alisos Canyon AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Alisos Canyon,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Alisos Canyon'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Alisos Canyon AVA would not affect any existing AVA, and any bottlers using ''Central Coast'' as an appellation of origin or in a brand name for wines made from grapes grown within the Central Coast AVA would not be affected by the establishment of this new AVA. The establishment of the proposed Alisos Canyon AVA would allow vintners to use ''Alisos Canyon'' and ''Central Coast'' as appellations of origin for wines made from grapes grown within the proposed Alisos Canyon AVA if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Alisos Canyon AVA's location within the existing Central Coast AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing AVA. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Central Coast AVA that the proposed Alisos Canyon AVA should no longer be part of that AVA. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Alisos Canyon AVA on wine labels that include the term ''Alisos Canyon'' as discussed above under Impact on

Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

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You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Public Reading Room, 1310 G Street NW, Suite 400, Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's Regulations and Rulings Division at the above address, by email at *https://www.ttb.gov/webforms/contact_RRD*.shtm, or by telephone at 202–453–1039, ext. 175, to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Add § 9.____to read as follows: 9.____Alisos Canyon.

(a) *Name.* The name of the viticultural area described in this section is ''Alisos Canyon''. For purposes of part 4 of this chapter, ''Alisos Canyon'' is a term of viticultural significance.

(b) *Approved maps.* The two United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Alisos Canyon viticultural area are titled:

(1) Foxen Canyon, CA, 1995; and

(2) Zaca Creek, Calif., 1959.

(c) *Boundary.* The Alisos Canyon viticultural area is located in Santa Barbara County, California. The boundary of the Alisos Canyon viticultural area is as described in paragraphs (c)(1) through (8) of this section:

(1) The beginning point is on the Foxen Canyon map at an unnamed hilltop with a marked elevation of 1,137 feet, located west of the Cañada de los Coches in the La Laguna Grant. From

the beginning point, proceed east in a straight line for 3.71 miles to the intersection of two unnamed, unimproved roads north of Rancho San Juan; then

(2) Proceed east-southeast in a straight line for approximately 1.2 miles to an unnamed hilltop with a marked elevation of 1,424 feet in the La Laguna Grant; then

(3) Proceed southwest in a straight line for approximately 1.7 miles, crossing onto the Zaca Creek map, to a point designated ''Oil,'' adjacent to the north fork of San Antonio Creek and the intersection of three unnamed light-duty roads in the Cañada del Comasa, La Laguna Grant; then

(4) Proceed west-southwest in a straight line for approximately 1.56 miles to the intersection of the north fork of San Antonio Creek and the 800-foot elevation contour in the Cañada del Comasa, La Laguna Grant; then

(5) Proceed west in a straight line 1.95 miles to an unnamed rectangular structure northeast of the terminus of an unnamed, unimproved road north of U.S. Highway 101 and BM 684 in the La Laguna Grant; then

(6) Proceed northwesterly in a straight line 0.32 mile to the intersection of Alisos Canyon Road and an unnamed, unimproved road east of the Cañada de los Coches in the La Laguna Grant; then

(7) Proceed north-northwest in a straight line for 1.68 miles, crossing onto the Foxen Canyon map, to an unnamed hilltop with a marked elevation of 997 feet in the La Laguna Grant; then

(8) Proceed northeast in a straight line for 0.5 mile to return to the beginning point.

Signed: August 6, 2019.

Mary G. Ryan

Acting Administrator.

Approved: September 23, 2019.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2019–22264 Filed 10–11–19; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AQ71

Schedule for Rating Disabilities; The Genitourinary Diseases and Conditions

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend the portion of the Schedule for Rating Disabilities that addresses the genitourinary system. The purpose of this change is to update current medical terminology, incorporate medical advances that have occurred since the last review, and provide well-defined criteria in accordance with actual, standard medical clinical practice. In fashioning this proposed rule, VA considered the most up-to-date medical knowledge and clinical practice of nephrology and urology specialties. Contact information for that office is noted in the **ADDRESSES** section of this proposed rule.

DATES: Comments must be received on or before December 16, 2019.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AQ71—Schedule for Rating Disabilities; The Genitourinary Diseases and Conditions.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ioulia Vvedenskaya, M.D., M.B.A., Medical Officer, Part 4 VASRD Regulations Staff (211D), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9752. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: As part of VA's ongoing revision of the Schedule for Rating Disabilities (VASRD), VA proposes changes to the portion of the VASRD that addresses the genitourinary system, which was last revised in 1994. *See* 59 FR 2523 (Jan. 18, 1994); *see also* 59 FR 46338 (Sep. 8, 1994). Through this revision, VA aims to eliminate ambiguities, include medical conditions not currently in the rating schedule, implement current, well-refined medical criteria, and update terminology to reflect the most recent medical advances. For this proposed rule, VA considered the most up-to-date medical knowledge and clinical practice of nephrology and urology specialties, as well as feedback from a public forum held on January 27–28, 2011. Please email at *21_EXECASST.VBACO@va.gov* for a copy of the public forum transrcript.

I. Proposed Changes to § 4.115

Currently, 38 CFR 4.115 (''Nephritis'') does not adequately reflect current concepts of renal and urinary tract diseases and conditions. Regardless of specific disease pathology, kidney conditions generally produce the same symptomatology and lead to the same functional impairment. Therefore, for rating purposes, analysis of pathology, such as is currently presented in the first three sentences of § 4.115, is unnecessary and VA proposes to remove this language.

However, VA proposes to retain the remainder of the language in § 4.115, which addresses the assignment of ratings when both renal and cardiovascular conditions are present, but to replace the reference to ''nephritis'' in the first sentence of the proposed revised section with ''renal disease'' to more accurately reflect the applicability of the provision. VA proposes to retitle this provision as ''Co-existence of renal and cardiovascular conditions'' to better address the amended content.

II. Proposed Changes to § 4.115a

Under the current VASRD, diseases of the genitourinary system are listed at 38 CFR 4.115b with instructions directing rating personnel to various rating criteria found at 38 CFR 4.115a, when appropriate. The rating criteria in § 4.115a address impairment of the genitourinary system, including renal dysfunction, voiding dysfunction, and infections.

The introductory paragraph in § 4.115a states that when the VASRD refers a decision-maker to these areas of dysfunction, only the predominant area of dysfunction will be considered for rating purposes. VA proposes clarifying this statement by noting that distinct disabilities may be assigned separate evaluations under this section, consistent with the anti-pyramiding provisions in § 4.14. This statement is intended to reflect that when a particular diagnostic code refers to multiple dysfunctions, only the predominant dysfunction will be evaluated for that diagnostic code.

Distinct disabilities resulting in non-overlapping symptoms may be assigned separate evaluations, however.

VA also proposes to make changes to the rating criteria found in § 4.115a; these proposed changes are discussed below.

A. Renal Dysfunction

Currently, VA evaluates renal dysfunction as follows:

A 100 percent evaluation is assigned for any of the following: Requiring regular dialysis, or precluding more than sedentary activity from one of the following: Persistent edema and albuminuria; or, BUN more than 80 mg%; or, creatinine more than 8 mg%; or, markedly decreased function of kidney or other organ systems, especially cardiovascular.

An 80 percent evaluation is assigned for any of the following: Persistent edema and albuminuria with BUN 40 to 80 mg%; or, creatinine 4 to 8 mg%; or, generalized poor health characterized by lethargy, weakness, anorexia, weight loss, or limitation of exertion.

A 60 percent evaluation is assigned for any of the following: Constant albuminuria with some edema; or, definite decrease in kidney function; or, hypertension at least 40 percent disabling under diagnostic code 7101.

A 30 percent evaluation is assigned for any of the following: Albumin constant or recurring with hyaline and granular casts or red blood cells; or, transient or slight edema or hypertension at least 10 percent disabling under diagnostic code 7101.

A 0 percent evaluation is assigned for either albumin and casts with a history of acute nephritis; or, hypertension non-compensable under diagnostic code 7101.

Subjective terms such as ''markedly,'' ''some,'' and ''slight'' in the current evaluation criteria contribute to inconsistent evaluation of genitourinary disabilities rated under these criteria. Therefore, VA proposes to replace these subjective criteria with specific, objective laboratory findings, such as the glomerular filtration rate (GFR) and albumin/creatinine ratio (ACR). Modern medicine states that the ''[GFR] is widely accepted as the best overall measure of kidney function in health and disease.'' Nat'l Kidney Found., ''KDIGO 2012 Clinical Practice Guideline for the Evaluation and Management of Chronic Kidney Disease,'' 3(1) Kidney Int'l Suppl. 19 (Jan. 2013), available at *https://kdigo.org/wp-content/uploads/2017/02/KDIGO_2012_CKD_GL.pdf* (last viewed Jan. 4, 2019). In clinical practice, subject matter experts have noted an inverse correlation between GFR and functional impairment (*i.e.,* lower GFRs correspond to greater impairment), and individuals with GFRs less than 60 mL/min/1.73 m^2 are considered to have chronic kidney disease. *Id.* A GFR less than 15 mL/min/1.73 m^2 is also a sign of renal failure. *Id.* In addition to using the GFR for evaluation purposes, VA also proposes adding a note to the evaluation criteria specifying that GFR, estimated GFR (eGFR), and creatinine based approximations are acceptable for evaluation purposes, as each has been shown to be an adequate indicator of the stage of chronic kidney disease. The GFR used must be medically appropriate and calculated by a medical professional.

Based on the level of kidney function generally associated with a specific GFR, VA proposes assigning a 100 percent evaluation for chronic kidney disease with GFR less than 15 mL/min/1.73 m^2 for at least three consecutive months; an 80 percent evaluation for a GFR between 15 and 29 mL/min/1.73 m^2 for at least three consecutive months; a 60 percent evaluation for a GFR between 30 and 44 mL/min/1.73 m^2 for at least three consecutive months; and a 30 percent evaluation for a GFR between 45 and 59 mL/min/1.73 m^2 for at least three consecutive months. Additionally, a 100 percent evaluation would still be assigned for chronic kidney disease requiring regular routine dialysis. VA intends to also extend this evaluation to individuals who are the recipients of a kidney transplant.

VA proposes assigning a 0 percent evaluation for certain markers of kidney damage for at least three consecutive months: A GFR between 60 and 89 mL/min/1.73 m^2 and the presence of recurrent red blood cell (RBC) casts, white blood cell (WBC) casts, granular casts, structural kidney abnormalities (cystic, obstructive, or glomerular), or increased secretion of protein in the urine (proteinuria). Proteinuria, as measured by increased urinary excretion of albumin, is an early and sensitive marker of kidney damage and is reflected by an albumin/creatinine ratio (ACR) of 30 mg/g or greater.

These levels of evaluation correlate to a modified staging classification of chronic kidney disease by the National Kidney Foundation. At the 100 percent evaluation, the designated GFR is associated with kidney failure and, at the 0 percent evaluation, the designated GFR and proteinuria are associated with an increased risk of kidney damage even without a diagnosis of chronic kidney disease. Intermediate levels of evaluation at the 30, 60, and 80 percent levels correspond to the remaining stages of chronic kidney disease as they increase in severity as manifest by declining GFR.

B. Urinary Tract Infection

VA proposes to preserve the existing rating criteria for urinary tract infection with little change. VA does, however, propose to clarify the criteria for a 30 percent evaluation by specifying that drainage would be by stent or nephrostomy tube. This differentiates drainage via catheterization. Stent or nephrostomy tube insertion are surgical procedures and require more intensive medical management than drainage via catheterization. Catheterization is not medically consistent with the remainder of the criteria required for a 30 percent evaluation because the need for catheterization is not generally accompanied by frequent hospitalization (greater than two times/year) or continuous intensive management.

For the 10 percent evaluation, VA proposes to replace the ambiguous phrase ''intermittent intensive management'' with ''suppressive drug therapy lasting six months or longer.'' Antibiotic and suppressive medications are typically the treatment used to treat urinary tract infections. Charles Kodner et al., ''Recurrent Urinary Tract Infections in Women: Diagnosis and Management,'' 82(6) Am. Family Physician 638–43 (2010); B. Lee et al., ''Methenamine hippurate for preventing urinary tract infections,'' The Cochrane Library (Oct. 17, 2012), *http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD003265.pub3/abstract* (last visited April 10, 2019). However, the term ''intensive management'' suggests something beyond short-term courses of antibiotic treatment for urinary tract infections; this is not clear from the current definition. As such, VA intends to replace ''intermittent intensive management'' with the objective criterion of ''suppressive drug therapy lasting six months or longer.'' As for the length of time selected, suppressive therapy is more appropriate for a chronic infection. B. Lee, supra. Recurrent, or chronic, infections are generally defined as two or more infections in six months, and the recommended treatment is six to twelve months of suppressive drug therapy. Kodner, supra. Therefore, VA proposes a 10 percent evaluation when there are one to two hospitalizations per year for urinary tract infections, or suppressive drug therapy lasting six months or longer is required.

The addition of a 0 percent evaluation is also proposed and would be

applicable if a Veteran has recurrent urinary tract infections that require suppressive drug therapy for less than six months. Under this evaluation, drug suppressive therapy lasting six months or longer is not required. This proposed evaluation would cover cases that are responsive to treatment and/or are not severe enough to require suppressive drug therapy for six months or more. It would also ease field application by specifying non-compensable criteria that can be compared to the criteria warranting a compensable evaluation.

III. Proposed Changes to § 4.115b

A. Diagnostic Codes (DCs) 7508 and 7510

VA proposes to amend these DCs based on a better understanding of the disease process and the impact of treatment. When imbalances occur in the body, substances in urine can form solid pieces within the urinary tract. These pieces are commonly referred to as stones. Nephrolithiasis, to which diagnostic code 7508 currently applies, is another name for kidney stones. Ureterolithiasis (current DC 7510) refers to stones in the ureter, which is the tube that carries urine from the kidney to the bladder.

Regardless of whether the stone is in the kidney or the ureter, symptoms may include abdominal and/or back pain and blood in the urine. This shared symptomology leads to similar functional impairment. Therefore, VA proposes to delete existing DC 7510 and to evaluate stones in either the kidney or the ureter under diagnostic code 7508.

Nephrocalcinosis, a disorder in which excess calcium accumulates in the kidneys, does not result in symptoms. Rather, if the accumulation of calcium leads to the creation of stones, the stones themselves may cause symptoms. This condition is commonly evaluated under DC 7508 as analogous to nephrolithiasis, and VA proposes that it continue to be evaluated under this code, but that it be expressly added to the diagnostic code for ease of field application. Therefore, to better express the conditions to be evaluated under DC 7508, VA proposes to rename it as ''Nephrolithiasis/Ureterolithiasis/Nephrocalcinosis.''

Proposed DC 7508 would provide a 30-percent rating for recurrent stone formation requiring invasive or non-invasive procedures more than two times per year, as current DC 7508 does, but would no longer require diet or drug therapy, because such therapies have no specific relationship to these disabilities and are widely recommended for the majority of medical diseases and conditions.

B. DCs 7520 Through 7522

Current DCs 7520 and 7521 provide compensation for actual physical removal of the penis or glans. An evaluation of 30 percent is provided when there is removal of half or more of the penis under DC 7520. In addition, a 20 percent evaluation is assigned when there is removal of the glans under DC 7521. Current DCs 7520 and 7521 also permit rating these conditions alternatively as voiding dysfunction in § 4.115a. VA proposes to no longer rate these conditions as voiding dysfunction, which pertains to issues of leakage and frequency and the use of an appliance or absorbent materials. VA also proposes to revise DCs 7520 and 7521 to include a footnote reference to consider entitlement to Special Monthly Compensation (SMC) for loss of a creative organ under § 3.350. This is meant to correct the omission of this note from previous versions of the VASRD. Removal of half or more of the penis, or removal of the glans, may result in loss of a creative organ. Therefore, although consideration of SMC is considered with application of these diagnostic codes under current policy, this change would ensure consistent consideration of SMC for loss of a creative organ.

VA proposes to revise DC 7522 to encompass erectile dysfunction (ED), regardless of etiology. In making this change, VA intends to retitle this diagnostic code, ''Erectile dysfunction, with or without penile deformity.'' ED can occur with or without deformity of the penis, and is a symptom of many systemic, psychological, and metabolic diseases. W. Ludwig, ''Organic causes of erectile dysfunction in men under 40,'' 92(1) Urologia Internationalis 1–6 (2014).

VA proposes to no longer provide a 20-percent rating for this condition, whether with or without penile deformity. VA provides disability compensation for conditions that result in reduced earning capacity. 38 U.S.C. 1155. Erectile dysfunction, with or without penile deformity, is not associated with reductions in earning capacity. Therefore, VA proposes to provide a 0 percent evaluation for this condition. Section 4.115b's footnote regarding consideration of SMC for loss of use a creative organ where warranted would continue to apply to DC 7522. Similarly, 38 CFR 4.116, DC 7632, provides a 0 percent evaluation for female Veterans with service-connected female sexual arousal disorder (FSAD) without physical damage to female genitalia, with a note directing rating personnel to consider eligibility for SMC.

C. DC 7524

VA does not propose any substantive changes to current DC 7524. However, it does intend to correct a typographical error in the last sentence of the existing note, which refers to ''underscended'' rather than ''undescended'' testis.

D. DCs 7525, 7527, 7533, 7534, and 7537

Currently, each of these diagnostic codes identifies one or more conditions that have similar symptomatology and functional impairment. The conditions identified are not an exclusive list; therefore, other conditions are often rated as analogous to one of these diagnostic codes. To assist the field in ensuring that the appropriate diagnostic criteria is used to evaluate other conditions not currently listed, VA proposes to rename each of these diagnostic codes and/or include a note identifying those conditions not currently listed.

First, VA proposes to rename DC 7525 as ''Prostatitis, urethritis, epididymitis, orchitis (unilateral or bilateral), chronic only,'' as these diagnoses all refer to urinary tract infections that do not involve the kidneys and have similar symptoms. Prostatitis would not be included in proposed revised DC 7527, ''Prostate gland injuries, infections, hypertrophy, postoperative residuals, bladder outlet obstruction,'' because it is rarely caused by a bacterial infection and generally results in repeated bladder infections. J. Stevermer et al., ''Treatment of Prostatitis,'' 61(10) Am. Family Physician 3015–22 (2000). The diagnoses contained in DC 7527 are not consistent with non-bacterial prostatitis. In addition, the symptoms caused by prostatitis—recurrent bladder infections—are more similar to the diagnoses contained in DC 7525. There is no change to the evaluation criteria for this DC.

VA also proposes to rename DC 7527 to include bladder outlet obstruction, which has the same functional impairment and symptomatology as the other conditions currently encompassed in this code. Bladder outlet obstruction is not included in current DC 7517, ''Bladder, injury of,'' because this condition is not caused by an injury to the bladder, but is generally caused by another condition, such as benign prostatic hypertrophy (BPH), which is addressed in DC 7527. R. Dmochowski, ''Bladder Outlet Obstruction: Etiology and Evaluation,'' 7(Supp. 6) Reviews in Urology S3–S13 (2005). In addition, the

symptomatology for this condition may include urinary tract infections, rather than only voiding dysfunction, as contemplated by DC 7517. There is no change to the evaluation criteria for this DC.

VA proposes to add a note to DC 7533 to identify some of the most common cystic kidney diseases seen in the Veteran population, to include polycystic disease, uremic medullary cystic disease, medullary sponge kidney, and similar conditions such as Alport's syndrome, cystinosis, primary oxalosis, and Fabry's disease. M. Bisceglia et al., ''Renal cystic diseases: a review,'' 13(1) Advances in Anatomic Pathology 26–56 (2006). These diseases are being added as a medical update and would ensure proper field application of this DC. There is no change to the evaluation criteria for this DC.

Regarding DC 7534, which deals with atherosclerotic renal disease, VA proposes to specifically identify another atherosclerotic renal disease—large vessel disease, unspecified. Renal Failure: Diagnosis and Treatment 65 (J. Gary Abuelo ed. 1995). This disease is being added as a medical update and would ensure proper field application of this DC. There is no change to the evaluation criteria.

Finally, VA proposes to retitle DC 7537 to identify the most common forms of interstitial nephritis resulting from the high prevalence of the disease, including gouty nephropathy and disorders of calcium metabolism. There is no change to the evaluation criteria.

E. DCs 7539 and 7541

VA proposes to move all conditions contained in DC 7541 over to DC 7539, with the exception of renal involvement in diabetes mellitus, to encompass all systemic conditions that impact the kidneys. All of these conditions are, as amyloid diseases, systemic diseases with renal involvement and therefore are more appropriately evaluated under a single DC. For clarity and ease of field application, VA proposes to add a note to DC 7539 to identify all forms of glomerulonephritis, nephritis, and renal vasculitis encountered with systemic diseases. There is no change to the evaluation criteria.

As for renal involvement in diabetes mellitus (*e.g.,* diabetic nephropathy), VA proposes to continue rating this condition separately under DC 7541. Although this condition would also be rated as renal dysfunction, VA finds there is a need to track this particular condition given its incidence and prevalence in the Veteran population, especially with regard to claims related to Agent Orange exposure.

F. DC 7542

Based on modern clinical findings, neurogenic bladder should continue to be rated as a voiding dysfunction. However, due to high rate of urinary tract infections, VA proposes that this condition may be rated as voiding dysfunction or urinary tract infection, whichever is predominant. D. Sauerwein, ''Urinary tract infection in patients with neurogenic bladder dysfunction,'' 19(6) Int'l J. of Antimicrobial Agents 592–97 (2002).

G. New Proposed DC 7543

VA proposes the introduction of new DC 7543, ''Varicocele/Hydrocele,'' to reflect related conditions of the urinary tract that have not previously been recognized for disability evaluation purposes. Varicocele is a dilatation of the veins along the cord that receives blood from the testicles. Hydrocele is a collection of fluid in the scrotum.

The medical community now recognizes that these conditions may be associated with a decrease in fertility and, in rare instances, may be associated with infertility. Center for Male Reproductive Medicine and Vasectomy Reversal, ''Varicocele Repair,'' *http://www.malereproduction.com/male-infertility/treatment/varicocele-repair.php* (last accessed April 9, 2019). As a decrease in fertility, or the existence of infertility, does not cause a reduction in earning capacity, VA proposes to assign a 0 percent evaluation to these conditions. In instances where there is a clinical finding of infertility, these conditions may support eligibility for SMC due to loss of use of a creative organ. Therefore, to best administer this benefit, VA proposes a diagnostic code for these conditions that provides a 0 percent evaluation. Section 4.115b's footnote directing consideration of SMC would apply to DC 7543, consistent with the other DCs in the VASRD addressing a creative organ.

H. New Proposed DC 7544

VA proposes the introduction of new DC 7544, ''Renal disease caused by viral infection such as human immunodeficiency virus (HIV), Hepatitis B, and Hepatitis C,'' to reflect renal dysfunctions associated with HIV and hepatitis because of increasing prevalence and incidence of diseases caused by these viruses. Perico Norberto et al., ''Hepatitis C Infection and Chronic Renal Diseases,'' 4(1) Clinical J. Am. Soc'y of Nephrology 207–20 (2009). Hepatitis A, an acute liver disease, does not cause chronic renal disease and is therefore not included in this DC.

VA proposes to evaluate this DC as renal dysfunction under § 4.115a because, when the liver is damaged due to Hepatitis B or C infection, the accumulation of toxins in the blood can damage the kidneys, causing renal dysfunction. HIV-associated renal dysfunctions have several different etiologies, but can include direct HIV infection of the kidney, kidney damage caused by drugs used to treat HIV, and fluid loss caused by various processes associated with the advanced disease process. Moro O. Salifu, ''HIV-Associated Nephropathy,'' Medscape, *http://emedicine.medscape.com/article/246031-overview* (Vecihi Batuman ed., 2013) (last accessed April 10, 2019).

I. New Proposed DC 7545

VA proposes the introduction of new DC 7545, ''Bladder, diverticulum of.'' Currently, there is no DC for diverticulum of the bladder and, as such, it is generally evaluated in the field as analogous to fistula of the bladder. A bladder fistula is an abnormal connection between the bladder and another organ of the body (*e.g.,* the bowel). A bladder diverticulum is an abnormal pouch or sac due to weakness in the bladder's muscular wall that allows a portion of the bladder to protrude. Urology Care Foundation, ''What is Bladder Diverticulum?'' *https://www.urologyhealth.org/urologic-conditions/bladder-diverticulum* (last accessed April 9, 2019). The two conditions have dissimilar symptomatology and result in dissimilar functional impairment. A bladder fistula allows urine to escape the confines of the bladder into another space such as the rectum, or externally, causing urinary leakage. A bladder diverticulum allows urine to remain in the bladder longer, often resulting in infection as well as voiding dysfunction.

The proposed addition of this new DC would ensure that the condition is more appropriately rated. VA proposes to rate DC 7545 as voiding dysfunction or urinary tract infection, whichever is predominant, because these criteria best capture the functional impairment associated with this condition.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity).

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of this rulemaking and its impact analysis are available on VA's website at *www.va.gov/orpm/,* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date. This rule is not expected to be subject to the requirements of Executive Order 13771 because this rulemaking is expected to result in no more than de minimis costs.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The VA is the only entity involved with the provisions of this rulemaking. There are no outside or small entities involved, impacted and/or affiliated with VA's authorization to evaluate and and revise disability compensation criteria. Therefore, VA is exempt from the intial and final requlatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

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

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles affected by this document are 64.009, Veterans Medical Care Benefits; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.109, Veterans Compensation for Service-Connected Disability.

List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, Veterans.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on June 4, 2019, for publication.

Dated: October 4, 2019.

Jeffrey M. Martin,

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

For the reasons set out in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 4 as follows:

PART 4—SCHEDULE FOR RATING DISABILITIES

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

Authority: 38 U.S.C. 1155, unless otherwise noted.

Subpart B—Disability Ratings

■ 2. Revise § 4.115 to read as follows:

§ 4.115 Co-Existence of renal and cardiovascular conditions.

Separate ratings are not to be assigned for disability from disease of the heart and any form of renal disease, on account of the close interrelationships of cardiovascular diseases. If, however, absence of a kidney is the sole renal disability, even if removal was required because of nephritis, the absent kidney and any hypertension or heart disease will be separately rated. Also, in the event that chronic renal disease has progressed to the point where regular dialysis is required, any coexisting hypertension or heart disease will be separately rated.

■ 3. Amend § 4.115a by revising the introductory text and the table entries for ''Renal dysfuntion'' and ''Urinary tract infection'' to read as follows:

§ 4.115a Ratings of the genitourinary system—dysfunctions.

Diseases of the genitourinary system generally result in disabilities related to renal or voiding dysfunctions, infections, or a combination of these. The following section provides descriptions of various levels of disability in each of these symptom areas. Where diagnostic codes refer the decision maker to these specific areas of dysfunction, only the predominant area of dysfunction shall be considered for rating purposes. Distinct disabilities may be evaluated separately under this section, pursuant to § 4.14, if the symptoms do not overlap. Since the areas of dysfunction described below do not cover all symptoms resulting from genitourinary diseases, specific diagnoses may include a description of symptoms assigned to that diagnosis.

	Rating
Renal dysfunction:	
Chronic kidney disease with glomerular filtration rate (GFR) less than 15 mL/min/1.73 m^2 for at least 3 consecutive months; or requiring regular routine dialysis; or kidney transplant recipient	100
Chronic kidney disease with GFR from 15 to 29 mL/min/1.73 m^2 for at least 3 consecutive months	80
Chronic kidney disease with GFR from 30 to 44 mL/min/1.73 m^2 for at least 3 consecutive months	60
Chronic kidney disease with GFR from 45 to 59 mL/min/1.73 m^2 for at least 3 consecutive months	30
GFR from 60 to 89 mL/min/1.73 m^2 and either recurrent red blood cell (RBC) casts, white blood cell (WBC) casts, or granular casts for at least 3 consecutive months or.	
GFR from 60 to 89 mL/min/1.73 m^2 and structural kidney abnormalities (cystic, obstructive, or glomerular) for at least 3 consecutive months or.	
GFR from 60 to 89 mL/min/1.73 m^2 and albumin/creatinine ratio (ACR) ≥30 mg/g for at least 3 consecutive months	0
Note: GFR, estimated GFR (eGFR), and creatinine based approximations of GFR will be accepted for evaluation purposes under this section when determined to be appropriate and calculated by a medical professional.	

* * * * * * *

Urinary tract infection:

	Rating
Poor renal function: Rate as renal dysfunction.	
Recurrent symptomatic infection requiring drainage by stent or nephrostomy tube; or requiring greater than 2 hospitalizations per year; or requiring continuous intensive management	30
Recurrent symptomatic infection requiring 1–2 hospitalizations per year or suppressive drug therapy lasting six months or longer	10
Recurrent symptomatic infection not requiring hospitalization, but requiring suppressive drug therapy for less than 6 months	0

■ 4. Amend § 4.115b by:
■ a. Removing diagnostic code 7510.
■ b. Revising diagnostic codes 7508, 7520, 7521, 7522, 7524, 7525, 7527, 7533, 7534, 7537, 7539, 7541, and 7542.
■ c. Adding diagnostic codes 7543, 7544, and 7545.

The revisions and additions read as follows:

§ 4.115b Ratings of the genitourinary system—diagnoses.

	Rating
* * * * * * *	
7508 Nephrolithiasis/Ureterolithiasis/Nephrocalcinosis:	
Rate as hydronephrosis, except for recurrent stone formation requiring invasive or non-invasive procedures more than two times/year	30
* * * * * * *	
7520 Penis, removal of half or more	[1] 30
7521 Penis, removal of glans	[1] 20
7522 Erectile dysfunction, with or without penile deformity	[1] 0
* * * * * * *	
7524 Testis, removal:	
Both	[1] 30
One	[1] 0
Note: In cases of the removal of one testis as the result of a service-incurred injury or disease, other than an undescended or congenitally undeveloped testis, with the absence or nonfunctioning of the other testis unrelated to service, an evaluation of 30 percent will be assigned for the service-connected testicular loss. Testis, undescended, or congenitally undeveloped is not a ratable disability.	
7525 Prostatitis, urethritis, epididymitis, orchitis (unilateral or bilateral), chronic only:	
Rate as urinary tract infection.	
For tubercular infections: Rate in accordance with §§ 4.88b or 4.89, whichever is appropriate.	
7527 Prostate gland injuries, infections, hypertrophy, postoperative residuals, bladder outlet obstruction:	
Rate as voiding dysfunction or urinary tract infection, whichever is predominant.	
* * * * * * *	
7533 Cystic diseases of the kidneys:	
Rate as renal dysfunction.	
Note: Cystic diseases of the kidneys include, but are not limited to, polycystic disease, uremic medullary cystic disease, medullary sponge kidney, and similar conditions such as Alport's syndrome, cystinosis, primary oxalosis, and Fabry's disease.	
7534 Atherosclerotic renal disease (renal artery stenosis, atheroembolic renal disease, or large vessel disease, unspecified):	
Rate as renal dysfunction.	
* * * * * * *	
7537 Interstitial nephritis, including gouty nephropathy, disorders of calcium metabolism:	
Rate as renal dysfunction.	
* * * * * * *	
7539 Renal amyloid disease:	
Rate as renal dysfunction.	
Note: This diagnostic code pertains to renal involvement secondary to all glomerulonephritis conditions, all vasculitis conditions and their derivatives, and other renal conditions caused by systemic diseases, such as Lupus erythematosus, systemic lupus erythematosus nephritis, Henoch-Schonlein syndrome, scleroderma, hemolytic uremic syndrome, polyarthritis, Wegener's granulomatosis, Goodpasture's syndrome, and sickle cell disease.	
* * * * * * *	
7541 Renal involvement in diabetes mellitus type I or II:	
Rate as renal dysfunction.	
7542 Neurogenic bladder:	
Rate as voiding dysfunction or urinary tract infection, whichever is predominant.	
7543 Varicocele/Hydrocele	[1] 0
7544 Renal disease caused by viral infection such as human immunodeficiency virus (HIV), Hepatitis B, and Hepatitis C:	
Rate as renal dysfunction.	
7545 Bladder, diverticulum of:	

	Rating
Rate as voiding dysfunction or urinary tract infection, whichever is predominant.	

[1] Review for entitlement to special monthly compensation under § 3.350 of this chapter.

■ 5. Amend Appendix A to Part 4 by:
■ a. Adding § 4.115.
■ b. Revising § 4.115a.
■ c. In § 4.115b,
■ i. Revising the entries for diagnostic codes 7508, 7510, 7520 through 7522, 7524, 7525, 7527, 7533, 7534, 7537, 7539, 7541, and 7542.
■ ii, Adding diagnostic codes 7543 through 7545.

The additions and revisions to read as follows:

APPENDIX A TO PART 4—TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

Sec.	Diagnostic Code No.	
*	*	* * * * *
4.115		Retitled and revised [*Effective date of final rule*].
4.115a		Re-designated and revised as § 4.115b; new § 4.115a ''Ratings of the genitourinary system-dysfunctions'' added February 17, 1994; revised [*Effective date of final rule*].
4.115b	7500	Note July 6, 1950; evaluation February 17, 1994, criterion September 8, 1994; criterion [*Effective date of final rule*].
	7501	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7502	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
*	*	* * * * *
	7504	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
*	*	* * * * *
	7507	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7508	Evaluation February 17, 1994; title, criterion [*Effective date of final rule*].
	7509	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7510	Evaluation February 17, 1994; removed [*Effective date of final rule*].
*	*	* * * * *
	7516	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
*	*	* * * * *
	7520	Criterion February 17, 1994; criterion, footnote [*Effective date of final rule*].
	7521	Criterion February 17, 1994; criterion, footnote [*Effective date of final rule*].
	7522	Criterion September 8, 1994; title, criterion [*Effective date of final rule*].
*	*	* * * * *
	7524	Note July 6, 1950; evaluation February 17, 1994; evaluation September 8, 1994; note [*Effective date of final rule*].
	7525	Criterion March 11, 1969; evaluation February 17, 1994; title and criterion [*Effective date of final rule*].
	7527	Criterion February 17, 1994; title and criterion [*Effective date of final rule*].
	7528	Criterion March 10, 1976; criterion February 17, 1994; criterion [*Effective date of final rule*].
	7529	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7530	Added September 9, 1975; evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7531	Added September 9, 1975; criterion February 17, 1994; criterion [*Effective date of final rule*].
	7532	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7533	Added February 17, 1994; title, criterion, and note [*Effective date of final rule*].
	7534	Added February 17, 1994; title and criterion [*Effective date of final rule*].
	7535	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7536	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7537	Added February 17, 1994; title and criterion [*Effective date of final rule*].
	7538	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7539	Added February 17, 1994; note and criterion [*Effective date of final rule*].
	7540	Evaluation February 17, 1994; criterion [*Effective date of final rule*].
	7541	Added February 17, 1994; title and criterion [*Effective date of final rule*].
	7542	Added February 17, 1994; criterion [*Effective date of final rule*].
	7543	Added [*Effective date of final rule*].
	7544	Added [*Effective date of final rule*].
	7545	Added [*Effective date of final rule*].
*	*	* * * * *

■ 6. Amend Appendix B to Part 4 by:
■ a. Revising diagnostic codes 7508, 7522, 7525, 7527, 7533, 7534, 7537, and 7541.
■ b. Removing diagnostic code 7510;
■ c. Adding diagnostic codes 7543 through 7545.

The revisions and additions read as follows:

APPENDIX B TO PART 4—NUMERICAL INDEX OF DISABILITIES

Diagnostic code No.	
THE GENITOURINARY SYSTEM	
* * * * * * *	
7508	Nephrolithiasis/Ureterolithiasis/Nephrocalcinosis.
* * * * * * *	
7522	Erectile dysfunction, with or without penile deformity.
* * * * * * *	
7525	Prostatitis, urethritis, epididymitis, orchitis (unilateral or bilateral), chronic only.
7527	Prostate gland injuries, infections, hypertrophy, postoperative residuals, bladder outlet obstruction.
* * * * * * *	
7533	Cystic diseases of the kidneys.
7534	Atherosclerotic renal disease (renal artery stenosis, atheroembolic renal disease, or large vessel disease, unspecified).
* * * * * * *	
7537	Interstitial nephritis, including gouty nephropathy, disorders of calcium metabolism.
* * * * * * *	
7541	Renal involvement in diabetes mellitus type I or II.
* * * * * * *	
7543	Varicocele/Hydrocele.
7544	Renal disease caused by viral infection such as human immunodeficiency viruses (HIV), Hepatitis B, and Hepatitis C.
7545	Bladder, diverticulum of.
* * * * * * *	

■ 7. Amend Appendix C to Part 4 by:
■ a. Revising the entries for diagnostic codes 7508, 7522, 7525, 7527, 7533, 7537, and 7541.
■ b. Removing the reference to diagnostic code 7510;
■ c. Adding diagnostic codes 7543 through 7545.

The revisions and additions read as follows:

APPENDIX C TO PART 4—ALPHABETICAL INDEX OF DISABILITIES

	Diagnostic code No.
* * * * * * *	
Bladder:	
* * * * * * *	
Diverticulum of	7545
* * * * * * *	
Erectile dysfunction, with or without penile deformity	7522
* * * * * * *	
Interstitial nephritis, including gouty nephropathy, disorders of calcium metabolism	7537
* * * * * * *	
Kidney:	
* * * * * * *	
Cystic diseases of the	7533
* * * * * * *	
Nephrolithiasis/Ureterolithiasis/Nephrocalcinosis	7508
* * * * * * *	
Prostate gland injuries, infections, hypertrophy, postoperative residuals, bladder outlet obstruction	7527
Prostatitis, urethritis, epididymitis, orchitis (unilateral or bilateral), chronic only	7525

APPENDIX C TO PART 4—ALPHABETICAL INDEX OF DISABILITIES—Continued

	Diagnostic code No.
* * * * * * *	
Renal:	
* * * * * * *	
Disease caused by viral infection such as HIV, Hepatitis B, and Hepatitis C	7544
* * * * * * *	
Involvement in diabetes mellitus type I or II	7541
* * * * * * *	
Varicocele/Hydrocele	7543
* * * * * * *	

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0810, FRL–10001–04–Region 10]

Air Plan Approval; AK: Infrastructure Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard is promulgated, the Clean Air Act requires states to submit plans for the implementation, maintenance, and enforcement of such standard, commonly referred to as infrastructure requirements. On October 25, 2018, the State of Alaska submitted such a plan for the ozone standard revised on October 1, 2015. In this action, the Environmental Protection Agency (EPA) is proposing to approve the Alaska plan as meeting applicable infrastructure requirements.

DATES: Comments must be received on or before November 14, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2018–0810, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kristin Hall, (206) 553–6357, *hall.kristin@epa.gov,* or Attn: Kristin Hall (15–H13), Air and Radiation Division, EPA Region 10, 1200 6th Avenue (Suite 155), Seattle, WA 98101.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it refers to the EPA.

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II. Infrastructure Elements
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I. Background

On October 1, 2015, the Environmental Protection Agency (EPA) revised the existing ozone National Ambient Air Quality Standard (NAAQS), lowering the level of both the primary and secondary standards from 0.075 parts per million (ppm) to 0.070 ppm, among other changes.[1] The revision triggered the Clean Air Act (CAA) requirement for states to submit State Implementation Plans (SIPs) addressing basic infrastructure elements required to implement, maintain, and enforce the 2015 ozone NAAQS. On October 25, 2018, the Alaska Department of Environmental Conservation (ADEC) made such a submission.[2]

II. Infrastructure Elements

The CAA provides the procedure and timing for infrastructure SIP submissions and lists the required elements, set forth at sections 110(a)(1) and (2), respectively. The EPA has issued guidance to help states address these requirements, most recently on September 13, 2013 (2013 Guidance).[3] The elements and corresponding CAA subsections are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency episodes.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and applicable requirements of part D.

[1] National Ambient Air Quality Standards for Ozone, Final rule (October 26, 2015, 80 FR 65292).

[2] Alaska's October 25, 2018 submission not only addresses infrastructure requirements, but also requests EPA approval of regulatory updates and permitting rule revisions. The EPA approved the regulatory updates and permitting rule revisions in a separate rulemaking on August 29, 2019 (84 FR 45419).

[3] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013. The 2013 Guidance is available in the docket for this action and at *https://www.epa.gov/air-quality-implementation-plans/infrastructure-sip-requirements-and-guidance.*

• 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
• 110(a)(2)(K): Air quality modeling/data.
• 110(a)(2)(L): Permitting fees.
• 110(a)(2)(M): Consultation/participation by affected local entities.

The 2013 Guidance restated the EPA's interpretation that two elements are not governed by the three-year submission deadline in CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are due on separate schedules.[4] The two elements are: (i) CAA section 110(a)(2)(C), to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) CAA section 110(a)(2)(I). As a result, this action does not address CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR), nor does it address CAA section 110(a)(2)(I). The EPA has also determined that the CAA section 110(a)(2)(J) provision on visibility is not triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. EPA Approach To Review of Infrastructure SIP Submissions

Due to ambiguity in some of the language of CAA section 110(a)(2), the EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. The EPA has previously provided comprehensive guidance on the application of these provisions in the 2013 Guidance and through regional actions on infrastructure submissions.[5] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, the EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[6] The EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

IV. EPA Evaluation

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submission: The submission cites regulations set forth at Alaska Administrative Code Title 18 *Environmental Conservation,* Chapter 50 *Air Quality Control* (18 AAC 50):
• Article 1 Ambient Air Quality Management (18 AAC 50.005–18 AAC 50.110);
• Article 2 Program Administration (18 AAC 50.200–18 AAC 50.260);
• Article 3 Major Stationary Source Permits (18 AAC 50.300–18 AAC 50.390);
• Article 4 User Fees (18 AAC 50.400–18 AAC 50.499);
• Article 5 Minor Permits (18 AAC 50.502–18 AAC 50.560);
• Article 7 Transportation Conformity (18 AAC 50.700–18 AAC 50.750); and
• Article 9 General Provisions (18 AAC 50.900–18 AAC 50.990).

EPA analysis: Alaska adopted the 2015 ozone NAAQS into State regulation, submitted the revision to the EPA, and we approved the change on August 28, 2017 (82 FR 40712). As a result, Alaska's ambient air quality standards codified in 18 AAC 50.010 are consistent with the current 2015 ozone NAAQS. Alaska generally regulates emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOCs) as precursors to ozone through its SIP-approved stationary source preconstruction permitting programs, set forth in Articles 3 and 5 of 18 AAC 50, in addition to other regulations approved into the SIP and described in this section. Stationary source preconstruction permitting is known as ''new source review'' or ''NSR'' and establishes requirements based on size and location of sources, among other things. Major NSR permitting in attainment and unclassifiable areas is called ''prevention of significant deterioration'' or ''PSD'' permitting.

The Alaska PSD permitting program is governed by 18 AAC 50, Article 3, references a suite of regulations approved into the Alaska SIP, and makes use of certain Federal PSD requirements set forth in the Code of Federal Regulations (CFR) and incorporated by reference into the Alaska SIP in 18 AAC 50.040. See 40 CFR 52.96. The EPA most recently approved updates to the Alaska PSD permitting program on August 29, 2019 (84 FR 45419). The current SIP-approved Alaska PSD permitting program incorporates by reference specific Federal requirements in 40 CFR 52.21, 40 CFR 51.166, and 40 CFR part 51, appendix W, as of July 1, 2017. The program has been updated for the 2015 ozone NAAQS and regulates NO_X and VOCs as precursors to ozone formation, consistent with the EPA's implementing regulations at 40 CFR 51.166.

Turning to minor sources, Article 5 of 18 AAC 50 requires pre-construction permitting for subject new and modified minor stationary sources. SIP-approved minor NSR programs and revisions to such programs must be consistent with the EPA's implementing regulations at 40 CFR 51.160 through 51.164. Alaska's minor NSR program was originally approved into the Alaska SIP on July 5, 1983 (48 FR 30623). We have approved subsequent revisions, most recently on August 29, 2019 (84 FR 45419).

Alaska has no areas designated nonattainment for the 2015 ozone NAAQS. We note, however, as highlighted in Section II of this proposal, the EPA does not consider SIP requirements triggered by the nonattainment area mandates in part D, title I of the CAA to be governed by the submission deadline of CAA section 110(a)(1). Regulations and other control measures for purposes of attainment planning under part D, title I of the CAA are due on a different schedule than infrastructure SIPs.

In addition to permitting requirements, Alaska's SIP contains rules that also serve to limit NO_X and VOCs. These rules include incinerator emission standards, emission limits for industrial processes, and emission limits for fuel burning equipment. Based on the foregoing, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2015 ozone NAAQS.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for the establishment and operation of

[4] These schedules are governed by CAA section 172 and the various pollutant-specific subparts 2 through 5 of part D, title I, of the CAA.

[5] The EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available in the docket for this action and at *https://www.epa.gov/air-quality-implementation-plans/infrastructure-sip-requirements-and-guidance*) as well as in numerous agency actions, including the EPA's prior action on Alaska's infrastructure SIP submission to address the 2010 nitrogen dioxide and 2010 sulfur dioxide NAAQS (May 12, 2017, 82 FR 22081). Please see our associated July 20, 2016, proposed rule for this discussion (81 FR 47103, at pages 47104 through 47107).

[6] See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center* v. *EPA,* No. 16–71933 (Aug. 30, 2018).

ambient air quality monitors, the collection and analysis of ambient air quality data, and the availability of data to the EPA upon request.

State submission: The submission references Alaska statutory and regulatory authority to conduct ambient air monitoring investigations. Alaska Statutes (AS) 46.03.020 *Powers of the department* paragraph (5) provides authority to undertake studies, inquiries, surveys, or analyses essential to the accomplishment of the purposes of ADEC. AS 46.14.180 *Monitoring* provides authority to require sources to monitor emissions and ambient air quality to demonstrate compliance with applicable permit program requirements. 18 AAC 50.201 *Ambient Air Quality Investigation* provides authority to require a source to do emissions testing, reduce emissions, and apply controls to sources.

The submission references ADEC's revised *Quality Assurance Project Plan for the State of Alaska Air Monitoring and Quality Assurance Program,* adopted by reference into the State Air Quality Control Plan. As described in this plan, ambient air quality monitoring data are verified and electronically reported to the EPA through the Air Quality System on a quarterly basis. The submission also references the adoption of the Federal reference and interpretation methods for ozone. These methods are used by ADEC in its ambient air quality monitoring program to determine compliance with the standards.

EPA analysis: A comprehensive air quality monitoring plan to meet CAA monitoring requirements was originally submitted by Alaska on January 18, 1980 (40 CFR 52.70) and approved by the EPA on April 15, 1981 (46 FR 21994). The plan includes statutory and regulatory authority to establish and operate an air quality monitoring network, including ozone monitoring. Alaska's SIP-approved regulations in Article 2 of 18 AAC 50 govern source-specific monitoring and emissions testing for NO_X and VOCs in accordance with Federal reference methods. Alaska regularly assesses the adequacy of the monitoring network and submits that assessment to the EPA for review. In practice, Alaska operates an ozone monitoring network, compiles and analyzes collected data, and submits the data to the EPA's Air Quality System on a quarterly basis. We are therefore proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 2015 ozone NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submission: With respect to enforcement, the submission states that a violation of the prohibitions in the Alaska State Air Plan, or any permit condition, can result in civil actions (AS 46.03.760), administrative penalties (AS 46.03.761), or criminal penalties (AS 46.03.790). In addition, the submission references compliance order and administrative enforcement proceeding provisions found at 18 AAC Chapter 95. With respect to construction of new and modified stationary sources, the submission points to ADEC's statutory authority established in AS 46.14 *Air Quality Control,* Article 01 *General Regulations and Classifications* and Article 02 *Emission Control Permit Program* and references the SIP-approved Alaska NSR programs.

EPA analysis: We are proposing to find that the aforementioned Alaska statute provides ADEC authority to enforce air quality regulations, permits, and orders promulgated pursuant to AS 46.03 and AS 46.14. ADEC staffs and maintains an enforcement program to ensure compliance with SIP requirements. AS 46.03.820 *Emergency powers* affords ADEC emergency order authority when there is an imminent or present danger to health or welfare or potential for irreversible or irreparable damage to natural resources or the environment. Enforcement cases may be referred to the State Department of Law. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the 2015 ozone NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) for regulation of construction of new or modified stationary sources, states are required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2015 ozone NAAQS. As explained above, we are not evaluating nonattainment related provisions, such as the nonattainment NSR program required by part D, title I of the CAA.

For the PSD portion of element 110(a)(2)(C) (as well as for the PSD portions of elements (D)(i)(II) and (J)) the EPA interprets the CAA to require an infrastructure submission that demonstrates a complete PSD permitting program meeting current requirements for all regulated NSR pollutants. Alaska has a SIP-approved PSD program, and the EPA most recently approved updates to the program on August 29, 2019 (84 FR 45419). The current SIP-approved Alaska PSD permitting program incorporates by reference specific Federal requirements in 40 CFR 52.21, 40 CFR 51.166, and 40 CFR part 51, appendix W, as of July 1, 2017. We note the Alaska SIP includes the recent changes to air quality model guidelines in 40 CFR part 51, appendix W, promulgated by the EPA on January 19, 2017 (82 FR 5182). The most recent version of the appendix W model guidelines is referenced in 18 AAC 50.215 *Ambient Air Quality Analysis Methods,* and the rule provision is part of Alaska's SIP-approved PSD permitting program. *See* 40 CFR 52.96. The Alaska SIP-approved PSD permitting program regulates NO_X and VOCs as precursors to ozone, consistent with the EPA's implementing regulations at 40 CFR 51.166. We are therefore proposing to approve element 110(a)(2)(C) for PSD with respect to the 2015 ozone NAAQS.

Turning to the minor NSR requirement, the EPA originally approved Alaska's minor NSR program into the SIP on July 5, 1983 (48 FR 30623). As described previously under CAA section 110(a)(2)(A), we have approved revisions to Alaska's program as consistent with Federal minor NSR requirements set forth at 40 CFR 51.160 through 51.164. We have determined that the program regulates construction of new and modified minor sources for purposes of the 2015 ozone NAAQS, consistent with the EPA's implementing regulations at 40 CFR 51.160 through 51.164. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(C) for the 2015 ozone NAAQS.

110(a)(2)(D)(i): Interstate Transport

CAA section 110(a)(2)(D)(i) is known as the ''good neighbor'' provision and generally requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air quality effects on other states due to interstate transport of pollution. There are four so-called ''prongs'' within CAA section 110(a)(2)(D)(i): Section 110(a)(2)(D)(i)(I) contains prongs 1 and 2, while section 110(a)(2)(D)(i)(II) includes prongs 3 and 4. This proposed action addresses prongs 3 and 4 only. We proposed action on the portion of the submission addressing CAA section

110(a)(2)(D)(i)(I) prongs 1 and 2 on June 5, 2019 (84 FR 26041).

110(a)(2)(D)(i)(II): Prongs 3 and 4

Prongs 3 and 4 of the good neighbor provision require that a SIP contain adequate provisions prohibiting emissions which will interfere with any other state's required measures to prevent significant deterioration (PSD) of its air quality (prong 3) or which will interfere with any other state's required measures to protect visibility (prong 4). The EPA believes, as noted in the 2013 Guidance, that where a state has a SIP-approved PSD program, the state may rely on such a program to meet prong 3. Likewise, where a state's regional haze plan has been approved as meeting all current obligations, a state may rely upon those provisions in support of its demonstration for prong 4.

Submission: The submission addresses CAA section 110(a)(2)(D)(i)(II) prongs 3 and 4 for the 2015 ozone NAAQS by referencing the Alaska SIP-approved PSD and regional haze programs, respectively.

EPA analysis: For purposes of CAA section 110(a)(2)(D)(i)(II) prongs 3 and 4, the EPA believes, as noted in the 2013 Guidance, that where a state has a SIP-approved PSD program, the state may rely on such a program to meet prong 3. Likewise, where a state's regional haze plan has been approved as meeting all current obligations, a state may rely upon those provisions in support of its demonstration for prong 4.

As stated in the analysis for element CAA section 110(a)(2)(C) in this proposal, the Alaska SIP-approved PSD permitting program regulates NO_X and VOCs as precursors to ozone, consistent with the EPA's implementing regulations at 40 CFR 51.166. Therefore, we are proposing to approve the Alaska SIP as meeting CAA section 110(a)(2)(D)(i)(II) as it applies to PSD for the 2015 ozone NAAQS (prong 3). In addition, Alaska has a SIP-approved regional haze plan, approved by the EPA on February 14, 2013 (78 FR 10546). Because the regional haze plan was found to meet Federal requirements, we are proposing to approve the Alaska SIP as meeting CAA section 110(a)(2)(D)(i)(II) as it applies to visibility for the 2015 ozone NAAQS (prong 4).

110(a)(2)(D)(ii): Interstate and International Transport Provisions

CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). CAA section 126 requires notification to neighboring states of potential impacts from a new or modified major stationary source and specifies how a state may petition the EPA when a major source or group of stationary sources in a state is thought to contribute to certain pollution problems in another state. CAA section 115 governs the process for addressing air pollutants emitted in the United States that cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare in a foreign country.

State submission: The submission references Alaska's SIP-approved PSD program and certifies that Alaska has no pending obligations under CAA section 115 or 126.

EPA analysis: At 18 AAC 50.306(b), Alaska's PSD program incorporates by reference the general provisions of 40 CFR 51.166(q)(2) to describe the public participation procedures for PSD permits, including requiring notice to states whose lands may be affected by the emissions of sources subject to PSD. As a result, Alaska's PSD regulations provide for notice consistent with CAA section 126(a) and Federal requirements. We confirm that Alaska has no pending obligations under section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 2015 ozone NAAQS.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires each state to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of Federal or state law from carrying out the SIP or portion thereof), (ii) requirements that the state comply with the requirements respecting state boards under CAA section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submission: The submission asserts that ADEC maintains adequate personnel, funding, and authority to implement the SIP. The submission refers to AS 46.14.030 *State air quality control plan* which provides ADEC statutory authority to act for the State and adopt regulations necessary to implement the State plan. The submission also references 18 AAC 50.030 *State Air Quality Control Plan* which provides regulatory authority to implement and enforce the SIP.

With respect to CAA section 110(a)(2)(E)(ii), the submission states that Alaska's regulations on conflict of interest are found in Title 2 *Administration,* Chapter 50 *Alaska Public Offices Commission: Conflict of Interest, Campaign Disclosure, Legislative Financial Disclosure, and Regulations of Lobbying* (2 AAC 50.010–2 AAC 50.920). Regulations concerning financial disclosure are found in Title 2, Chapter 50, Article 1—*Public Official Financial Disclosure.* The submission certifies there are no State air quality boards in Alaska. The ADEC commissioner, however, as an appointed official and the head of an executive agency, is required to file a financial disclosure statement annually with the Alaska Public Offices Commission (APOC). These disclosures are publicly available through APOC's Anchorage office.

With respect to CAA section 110(a)(2)(E)(iii) and assurances that the State has responsibility for ensuring adequate implementation of the plan where the State has relied on local or regional government agencies, the submission references statutory authority and requirements for establishing local air pollution control programs found at AS 46.14.400 *Local air quality control programs.*

The submission also states that ADEC provides technical assistance and regulatory oversight to local jurisdictions to ensure that the State Air Quality Control Plan and SIP objectives are satisfactorily carried out. ADEC has formal agreements with local entities to control emissions and improve air quality in specific localities.

EPA analysis: With respect to CAA section 110(a)(2)(E)(i) adequate personnel, funding, and authority, AS 46.03.020 *Powers of the department* gives ADEC authority to adopt regulations providing for control, prevention and abatement of air pollution. 18 AAC 50.030 *State Air Quality Control Plan* authorizes ADEC to implement air pollution regulations across the State. ADEC receives CAA sections 103 and 105 grant funds from the EPA and provides matching funds necessary to staff and carry out SIP requirements. Alaska statutes AS 46.14.240 and 250 establish departmental authority to assess permit and emission fees, respectively. Subject sources must pay fees to ADEC for purposes of major new source review permitting in accordance with 18 AAC 50, Articles 3 and 4. In addition, although not formally approved into the SIP, Alaska's title V operating permit

program is a legal mechanism the State can use to ensure ADEC has sufficient personnel and resources to support the air program, consistent with the requirements of the SIP. Please see our analysis under the CAA section 110(a)(2)(L) element.

For purposes of CAA section 110(a)(2)(E)(ii), we previously approved Alaska's conflict of interest disclosure and ethics regulations as meeting the requirements of CAA section 128 on October 22, 2012 (77 FR 64427). This prior approval action fully satisfies the state board requirements of CAA section 110(a)(2)(E)(ii).

Finally, with respect to CAA section 110(a)(2)(E)(iii), AS 46.14.400 makes clear that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of the SIP. According to statute, ADEC enters into cooperative agreements with local entities to implement specific air quality control requirements. ADEC has done so with the Municipality of Anchorage and the Fairbanks North Star Borough. The State retains authority and oversight of local entities as specified in AS 46.14.400 and may terminate an inadequate local program in accordance with AS 46.14.401. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(E) for the 2015 ozone NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.

State submission: The submission states that ADEC has general statutory authority in AS 46.14 *Air quality control* to regulate stationary sources via an air permitting program which includes permit reporting requirements, completeness determinations, administrative actions, and stack source monitoring requirements. The submission states that ADEC has regulatory authority to determine compliance with these statutes via information requests (18 AAC 50.200) and ambient air quality investigations (18 AAC 50.201). Monitoring protocols and test methods for stationary sources are adopted by reference, including the Federal reference and interpretation methods for ozone. The submission also references the SIP-approved Alaska PSD program. Ambient air quality and meteorological data that are collected for PSD purposes by stationary sources are reported to ADEC on a quarterly and annual basis.

EPA analysis: The Alaska SIP establishes compliance requirements for sources subject to major and minor source permitting to monitor emissions, keep and report records, and collect ambient air monitoring data. 18 AAC 50.200 *Information Requests* provides ADEC authority to issue information requests to an owner, operator, or permittee for purposes of ascertaining compliance. 18 AAC 50.201 *Ambient Air Quality Investigations* provides authority to require an owner, operator, or permittee to evaluate the effect emissions from the source have on ambient air quality. In addition, 18 AAC 50.306 *Prevention of Significant Deterioration Permits* and 18 AAC 50.544 *Minor Permits: Content* provide for establishing permit conditions to require the permittee to install, use and maintain monitoring equipment, sample emissions, provide source test reports, monitoring data, emissions data, and information from analysis, keep records and make periodic reports on process operations and emissions. This information is made available to the public through public processes outlined in these SIP-approved rules.

Additionally, states are required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. As required, Alaska reports emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the website *https://www.epa.gov/air-emissions-inventories.* Based on the above analysis, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2015 ozone NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

State submission: The submission cites statutory authority including AS 46.03.820 *Emergency powers* which provides ADEC with emergency order authority where there is an imminent or present danger to the health or welfare of the people of the State or would result in or be likely to result in irreversible or irreparable damage to the natural resources or environment. The submission references 18 AAC 50.245, authorizing ADEC to declare an air alert, air warning, or air advisory to notify the public and prescribe and publicize curtailment action, consistent with the EPA's emergency episode regulations at 40 CFR 51.150 through 51.153, for purposes of the 2015 ozone NAAQS.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contributing to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' The EPA finds that AS 46.03.820 *Emergency powers* provides emergency order authority comparable to CAA Section 303. We also find that Alaska's emergency episode rule at 18 AAC 50.245, most recently approved by the EPA on September 8, 2017 (82 FR 40712), is consistent with the requirements of 40 CFR 51.150 through 51.153 for ozone. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2015 ozone NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of the plan (i) from time to time as may be necessary to take account of revisions of a national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining the standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submission: The submission refers to statutory authority to adopt regulations to implement the CAA and the State air quality control program at AS 46.03.020(10)(A) *Powers of the*

department and AS 46.14.010(a) *Emission control regulations.*

EPA analysis: The Alaska SIP provides for revisions as cited in the submission, and in practice, Alaska regularly submits SIP revisions to the EPA to account for changes to the NAAQS and other requirements. We most recently approved revisions to the Alaska SIP on August 29, 2019 (84 FR 45419), September 8, 2017 (82 FR 42457), August 28, 2017 (82 FR 40712), May 19, 2016 (81 FR 31511), March 18, 2015 (80 FR 14038), and September 19, 2014 (79 FR 56268). We are therefore proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(H) for the 2015 ozone NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

EPA analysis: There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1), because SIPs incorporating necessary local nonattainment area controls are due on a different timeline, pursuant to section 172 and the various pollutant specific subparts 2 through 5 of part D. As a result, this action does not address CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers with respect to NAAQS implementation requirements pursuant to section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submission: The submission refers to statutory authority to consult and cooperate with officials of local governments, State and Federal agencies, and non-profit groups found at AS 46.030.020 *Powers of the department,* paragraphs (3) and (8). The submission states that municipalities and local air quality districts seeking approval for a local air quality control program shall enter into a cooperative agreement with ADEC according to AS 46.14.400 *Local air quality control programs,* paragraph (d). ADEC can adopt new CAA regulations only after a public hearing as per AS 46.14.010 *Emission control regulations,* paragraph (a). In addition, the submission notes that public notice and public hearing regulations for SIP submission and air quality discharge permits are found at 18 AAC 15.050 and 18 AAC 15.060. Finally, the submission also references the SIP-approved Alaska PSD program.

EPA analysis: The EPA finds that the Alaska SIP, including the Alaska major NSR program, contains provisions for consulting with government officials as specified in CAA section 121. Alaska's SIP-approved PSD program provides opportunity and procedures for public comment and notice to appropriate Federal, State and local agencies. We recently approved updates to the SIP-approved PSD program on August 29, 2019 (84 FR 45419). In addition, we approved significant updates to the Alaska rules that define transportation conformity consultation on September 8, 2015 (80 FR 53735) and regional haze interagency planning on February 14, 2013, (78 FR 10546).

ADEC routinely coordinates with local governments, states, Federal Land Managers and other stakeholders on air quality issues including transportation conformity and regional haze and provides notice to appropriate agencies related to permitting actions. Alaska regularly participates in regional planning processes including the Western Regional Air Partnership, which is a voluntary partnership of states, tribes, Federal Land Managers, local air agencies and the EPA, whose purpose is to understand current and evolving regional air quality issues in the West. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 2015 ozone NAAQS.

Section 110(a)(2)(J) also requires the public to be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. ADEC is a partner in the EPA's AIRNOW and Enviroflash Air Quality Alert programs, which provide air quality information to the public for five major air pollutants regulated by the CAA: Ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. Alaska also provides real-time air monitoring information to the public on the ADEC air quality website, in addition to air advisory information. We are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for public notification for the 2015 ozone NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C of title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) and permitting. Alaska has a SIP-approved PSD program, and the EPA most recently approved updates to the program on August 29, 2019 (84 FR 45419). As described is this proposal as part of the analysis section for element CAA section 110(a)(2)(C), the Alaska SIP-approved PSD permitting program regulates NO_X and VOCs as precursors to ozone, consistent with the EPA's implementing regulations at 40 CFR 51.166. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(J) for PSD for the 2015 ozone NAAQS.

With respect to visibility protection under element (J), the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, we find that there is no new applicable requirement related to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

110(a)(2)(K): Air Quality Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a NAAQS, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submission: The submission states that air quality modeling is regulated under 18 AAC 50.215(b) *Ambient Air Quality Analysis Methods.* Estimates of ambient concentrations and visibility impairment must be based on applicable air quality models, databases, and other requirements specified in the EPA's Guideline on Air Quality Models are adopted by reference in 18 AAC 50.040 *Federal Standards Adopted by Reference.* Baseline dates and maximum allowable increases are found in Table 2 and Table 3, respectively, at 18 AAC 50.020 *Baseline Dates and Maximum Allowable Increases.*

EPA analysis: On August 29, 2019 we approved revisions to 18 AAC 50.215 *Ambient Air Quality Analysis Methods* and 18 AAC 50.040 *Federal Standards Adopted by Reference* (84 FR 45419). 18 AAC 50.040, at paragraph (f), adopts by reference the EPA regulations at 40 CFR part 51, appendix W, *Guidelines on Air*

Quality Models revised as of July 1, 2017. The Alaska SIP incorporates the EPA's revisions and additions to appendix W promulgated on January 17, 2017 (82 FR 5182). Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(K) for the 2015 ozone NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) directs SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

State submission: The submission states that ADEC's statutory authority to assess and collect permit fees is established in AS 46.14.240 *Permit administration fees* and AS 46.14.250 *Emission fees.* The permit fees for stationary sources are assessed and collected by the Air Permits Program according to 18 AAC 50, Article 4. ADEC is required to evaluate emission fee rates at least every four years and provide a written evaluation of the findings (AS 46.14.250(g); 18 AAC 50.410).

EPA analysis: The EPA fully-approved Alaska's title V program on July 26, 2001 (66 FR 38940). While Alaska's operating permit program is not formally approved into the SIP, it is a legal mechanism the State can use to ensure that ADEC has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full title V approval, a state must demonstrate the ability to collect adequate fees. The Alaska title V program included a demonstration the State will collect a fee from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i).

In addition, Alaska SIP-approved regulations at 18 AAC 50.306(d)(2) and 18 AAC 50.311(d)(2) require fees for purposes of major new source permitting as specified in 18 AAC 50, Article 4. Therefore, we are proposing to conclude that Alaska has satisfied the requirements of CAA section 110(a)(2)(L) for the 2015 ozone NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submission: The submission states that ADEC has authority to consult and cooperate with officials and representatives of any organization in the State; and persons, organization, and groups, public and private using, served by, interested in, or concerned with the environment of the State. The submission refers to AS 46.030.020 *Powers of the department* paragraphs (3) and (8) which provide authority to ADEC to consult and cooperate with affected State and local entities.

EPA analysis: The EPA finds that the Alaska provisions cited above provide for local and regional authorities to participate and consult in the SIP development process. Therefore, we are proposing to approve the Alaska SIP as meeting the requirements of CAA section 110(a)(2)(M) for the 2015 ozone NAAQS.

V. Proposed Action

We are proposing to approve the Alaska SIP as meeting the following CAA section 110(a)(2) infrastructure elements for the 2015 ozone NAAQS: (A), (B), (C), (D)(i)(I), (D)(ii), (E), (F), (H), (J), (K), (L), and (M).

VI. Statutory and Executive Order Review

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: September 27, 2019.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2019–22327 Filed 10–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0597; FRL–10001–10–Region 10]

Air Plan Approval; ID: Idaho Portion of the Logan UT–ID 2006 24-Hour $PM_{2.5}$ Nonattainment Area; Moderate Plan Elements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve

revisions to the Idaho State Implementation Plan (SIP) submitted on July 31, 2018. Idaho's submission addresses specific Clean Air Act (CAA) requirements for the Idaho portion of the Logan, Utah-Idaho fine particulate matter ($PM_{2.5}$) nonattainment area (Logan UT–ID area). The submission fulfills Idaho's commitment to submit Reasonable Further Progress and Quantitative Milestone attainment plan elements and updated Motor Vehicle Emissions Budgets to the EPA. If this proposed approval is finalized, the EPA's prior conditional approval will be removed and these elements will become fully approved.

DATES: Comments must be received on or before November 14, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2018–0597, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Matthew Jentgen, (206) 553–0340, *jentgen.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

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I. Background

On November 13, 2009, the EPA designated a portion of Franklin County, Idaho nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS (74 FR 58688). This designation, as part of the cross-state Logan, Utah-Idaho area, required Idaho to prepare and submit an attainment plan to meet current statutory and regulatory requirements.[1] On December 14, 2012, the Idaho Department of Environmental Quality (IDEQ) submitted an attainment plan for the Idaho portion of the Logan UT–ID area. The plan addressed specific required elements, including but not limited to the following elements: Emissions inventory, Reasonably Available Control Measures/Technology (RACM/RACT), attainment demonstration, contingency measures, and Motor Vehicle Emissions Budgets (MVEBs). The EPA approved the baseline emissions inventory on July 18, 2014 (79 FR 41904) and the control measures on March 25, 2014 (79 FR 16201). However, the EPA limited its approval of the submitted control measures[2] in light of the District of Columbia Circuit Court of Appeal's decision in *NRDC* v. *EPA,* holding that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant only to the general implementation requirements of Title I, Part D, Subpart 1 of the CAA rather than also the requirements specific to PM_{10} in Title I, Part D, Subpart 4.[3] In response to the litigation, Idaho made a supplemental submission on December 24, 2014. The December 14, 2012 and December 24, 2014 submissions are hereinafter collectively referred to as the Idaho attainment plan.

The EPA responded to the Court's decision, in part, by retracting the March 2012 guidance on SIP requirements for meeting the 2006 24-hour $PM_{2.5}$ standards[4] and promulgating the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (81 FR 58010, August 24, 2016). The 2016 $PM_{2.5}$ SIP Requirements Rule clarified how states should meet the statutory SIP requirements under Subpart 1 and Subpart 4 that apply to areas designated as nonattainment for any $PM_{2.5}$ NAAQS. Based on the requirements of Subparts 1 and 4 and the 2016 $PM_{2.5}$ SIP Requirements Rule, on January 4, 2017, we approved Idaho's control measures as meeting RACM/RACT, disapproved contingency measures, and deferred action on the attainment demonstration, RFP, QM, and MVEB requirements (82 FR 729).

Following our January 4, 2017, action, in an April 25, 2017 letter, Idaho committed to make a SIP submission that would further address the RFP, QM, and MVEB requirements. Because Idaho committed to address these requirements within one year, in specific ways that the EPA considered appropriate, the EPA conditionally approved the RFP, QM, and MVEB elements of the Idaho attainment plan on August 8, 2017 (82 FR 37025). In that same action, we also finalized approval of the Idaho attainment demonstration and the 2014 MVEBs as early progress budgets. Based on quality-assured, quality-controlled data for the period 2015–2017 showing that the area attained the 2006 24-hour $PM_{2.5}$ NAAQS, on October 19, 2018, the EPA finalized a determination of attainment by the attainment date and clean data determination for the Logan UT–ID area (83 FR 52983). Finalization of the clean data determination suspended the requirements for a nonattainment area to submit an RFP plan, MVEB for the attainment year, and other SIP requirements related to attainment of the 2006 $PM_{2.5}$ NAAQS. By virtue of the EPA's October 19, 2018 clean data determination, the obligation to submit any attainment-related SIP revisions, including an RFP Plan, quantitative milestones, and an MVEB for the attainment year for the Logan, UT–ID area are not applicable so long as the area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 40 CFR 51.1015(a). As we stated in our October 19, 2018, action, the clean data determination does not preclude the state from submitting, nor the EPA from acting on, the suspended attainment plan elements. See 83 FR 52983, 52985.

II. Analysis of the State's Submission

On July 31, 2018, Idaho submitted a SIP revision to further address the RFP, QM, and MVEB elements that EPA conditionally approved on August 8, 2017 (Cache SIP Amendment or submission). The submission can be found in the docket for this action. An RFP plan or analysis must include four components, summarized as follows: (1) An implementation schedule for control measures on sources in the nonattainment area; (2) RFP projected emissions for each applicable quantitative milestone year; (3) an

[1] See part D of title I of the Clean Air Act and the EPA's Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (72 FR 20586, April 25, 2007).

[2] The control measures were incorporated into the Idaho SIP, but the EPA did not make a determination that the control measures satisfy the requirement to adopt and implement RACM under CAA Sections 172(c) and 189(a)(1) and 40 CFR 51.1009.

[3] *NRDC* v. *EPA,* 706 F.3d 428 (DC Cir. 2013).

[4] Memorandum of March 2, 2012 (withdrawn June 6, 2013), from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to the EPA Regional Air Directors, Region I–X, ''Implementation Guidance for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS).''

analysis that presents the schedule of control measures and estimated emissions changes to be achieved by each milestone year and (4) an analysis that demonstrates sufficient progress on an annual basis toward attainment between the applicable baseline year to the attainment year. See 40 CFR 51.1012. Idaho's submission addresses each of the four components required by 40 CFR 51.1012. First, the submission includes an implementation schedule for each of the three control measures. Second, the submission includes RFP projected emissions for each applicable quantitative milestone year. These measures, which were relied upon in the Idaho attainment plan, supported the attainment determination for the Logan UT–ID area based on 2015–2017 monitoring data.[5] Third, Idaho provided an analysis of emissions reductions achieved for each of the control measures.

The first control measure discussed in Idaho's submission, residential wood combustion (RWC) ordinances, were adopted within Franklin County and all six Idaho cities on the Idaho side of the Logan UT–ID area (Franklin, Preston, Weston, Dayton, Clifton, and Oxford). Key elements in the current RWC ordinances include mandatory burn bans issued when $PM_{2.5}$ has reached or is forecasted to reach 75 on the Air Quality Index (AQI). This AQI value corresponds to a $PM_{2.5}$ concentration of 23.5 micrograms per cubic meter (μg/m^3) and aligns with the RWC ordinances applicable within Cache County on the Utah side of the Logan UT–ID area. All RWC ordinances effective in Franklin County prohibit both open burning and the use of specified devices when an air quality alert is issued. The ordinances also prohibit the installation of non-EPA-certified devices.

As stated in the submission, these Idaho cities and counties have implemented the ordinances and mandatory burn bans since 2012.[6] Therefore, we have determined the submission demonstrates full implementation of this control measure. Idaho estimated that maximum reductions for this measure are 0.06 tons per day (tpd) direct $PM_{2.5}$, 0.009 tpd nitrogen oxides (NO_X), and 0.078 tpd volatile organic compounds (VOC).[7]

Idaho also implemented three wood stove change-out programs on the Idaho side of the Logan UT–ID area. These programs were conducted in 2006–2007, 2011–2012, and 2013–2014. Accordingly, Idaho demonstrated in the submission that a total of 209 uncertified RWC devices have been changed-out since 2006. In addition, 39 stoves were removed and destroyed through Idaho's Alternative Energy Device tax deduction program. In total, 256 wood stoves have been changed out on the Idaho side of the Logan UT–ID area since 2006. As described in the submission (applying the appropriate temporal profile to convert to tons per day), Idaho stated these change-outs have led to reductions of 0.05 tpd direct $PM_{2.5}$, 0.003 tpd NO_X, and 0.13 tpd VOC.[8]

The final control measure implemented on the Idaho side of the Logan UT–ID area is road sanding agreements. Franklin County Road and Bridge, the City of Preston, and the Idaho Transportation Department (ITD) entered into road sanding agreements which were submitted to the EPA and approved into the Idaho SIP on March 25, 2014 (79 FR 16201). According to records submitted to Idaho and summarized in the submission, ITD used salt in 2014 (409 tons), 2015 (340 tons), and 2016 (109 tons) and did not use sand. Franklin County Road and Bridge historically used a 10:1 ratio of sand and salt; however, in the Idaho attainment plan, Franklin County committed to use a 4:1 ratio of sand and salt when anti-skid treatment is required. Franklin County also agreed to apply brine when temperatures are above 22°F, a measure that further reduces the amount of sand required by approximately 50%. The City of Preston now uses a 2:1 ratio of sand and salt at an average of 700 tons total per year.

Finally, in Section 4.5 of the Cache SIP Amendment, Idaho provided an analysis that demonstrates sufficient progress on an annual basis toward attainment between the applicable baseline year to the attainment year. The analysis demonstrates that Idaho achieved emissions reductions consistent with RFP. Idaho's RFP analysis is supported by EPA's October 19, 2018 determination of attainment (83 FR 52983). Therefore, we propose to approve the RFP element submitted by Idaho as part of its Moderate area plan for the Logan UT–ID area.

With respect to QMs, EPA regulations require that the attainment plan contain quantitative milestones to be achieved by the milestone dates that provide for objective evaluation of reasonable further progress toward timely attainment. See 40 CFR 51.1013. For areas designated nonattainment for the 2006 $PM_{2.5}$ NAAQS, such as the Logan UT–ID area, quantitative milestones are required no later than 3 years after December 31, 2014 40 CFR 51.1013(a)(4). Thus, 2017 is the first year the Logan, UT–ID area must include quantitative milestones. The 2016 $PM_{2.5}$ SIP Requirements Rule states that the quantitative milestones contained in the attainment plan for a Moderate nonattainment area should be constructed such that they can be tracked, quantified and/or measured adequately in order for a state to meet its milestone reporting obligations, which are due 90 days after a given milestone date.[9] The EPA suggested possible metrics that "support and demonstrate how the overall quantitative milestones identified for an area may be met, such as percent implementation of control strategies, percent compliance with implemented control measures, and adherence to a compliance schedule."[10] This list was not exclusive or exhaustive but reflected the EPA's view that the purpose of the quantitative milestone requirement is to provide an objective way to determine whether the area is making the necessary progress towards attainment by the applicable attainment date, *i.e.,* to verify that the separate RFP requirement is met.[11]

Idaho's submission includes a detailed implementation schedule, estimated emissions reductions, and 2017 QM reporting metrics for the control measures discussed above. For the wood combustion ordinances, Idaho included in the submission a summary of the wood stove and open burning curtailment days issued per year since 2012 as a means of demonstrating implementation of this measure. The objective measure to determine the progress of implementation of the wood stove change-out program is the total number of wood stove change-outs completed. For road sanding agreements, the objective metrics used to track progress are tons of sand and salt used and changes in the sand-salt ratio. On March 7, 2018, Idaho submitted a Quantitative Milestone Report to demonstrate that all emission reduction measures have been implemented, and Idaho has achieved milestones demonstrating progress toward attainment.[12] The EPA responded on September 7, 2018 stating

[5] Determination of Attainment by the Attainment Date and Clean Data Determination for the Logan, UT–ID area, October 19, 2018 (83 FR 52983).

[6] Cache SIP Amendment, Section 4.2 and Appendix B.

[7] Cache SIP Amendment, Section 4.1.

[8] Cache SIP Amendment, Section 4.1.

[9] 40 CFR 51.1013(b).

[10] 2016 $PM_{2.5}$ SIP Requirements Rule (81 FR 58010, 58064).

[11] *Id.*

[12] Idaho's March 7, 2018 Quantitative Milestone Report is included in the docket for this action.

the submittal adequately met the Quantitative Mileston reporting requirements.[13] Therefore, we propose to approve Idaho's QMs as meeting the requirements of the CAA and EPA's implementing regulations.

Lastly, with respect to MVEBs, an attainment plan must include in its RFP submission an inventory of on-road mobile source emissions in the nonattainment area for each milestone year.[14] The Idaho attainment plan projected 2014 emission budgets. On August 8, 2017, the EPA approved the submitted 2014 MVEBs as early progress budgets and conditionally approved Idaho's commitment to submit MVEBs for the 2015 attainment year (82 FR 37025). In the submission, Idaho modeled 2015 and 2017 on-road vehicle emissions. Growth in vehicle mile traveled (VMT) was estimated using automatic traffic recorder, and population growth was estimated using census data.

The revised MVEBs were determined for direct $PM_{2.5}$, NO_X, and VOC emissions, pollutants that contribute to on-road mobile source emissions of primary and secondary particulates in the area. Idaho noted that, although ammonia (NH_3) contributes to secondary aerosol formation, the region is NH_3 rich, so the minimal mobile source NH_3 emissions (less than 0.12 tons per day) are not considered in MVEBs. In addition, although originally thought by the state to be a primary contributor to direct $PM_{2.5}$ concentrations, Idaho determined, based on the MVEB analysis, that direct $PM_{2.5}$ emissions from paved road dust are not considered significant (1% of total wintertime contributions) and therefore were not included in the MVEBs.

The MVEB is comprised of on-road mobile sources and vehicle emissions (exhaust, tire, and brake wear). The EPA's Motor Vehicle Emissions Simulator (MOVES) model was used to develop vehicle emissions estimates for the MVEB (Idaho used the most current version of MOVES available at the time, MOVES 2014a, for its analysis). The MVEB will apply when the EPA determines the budget is adequate for transportation conformity. According to the EPA's conformity rule, the emissions budget acts as a ceiling on emissions in the year for which it is defined or until a SIP revision modifies the budget. Based on the analysis, Idaho set the following emissions budgets for 2015, applicable to the Idaho side of the Logan UT–ID area: 0.033 tpd direct $PM_{2.5}$, 0.676 tpd NO_X, and 0.554 tpd VOC. In the submission, Idaho included a MVEB for the 2017 RFP year that sets the following emissions budgets: 0.029 tpd direct $PM_{2.5}$, 0.544 tpd NO_X, and 0.467 tpd VOC.

We find that Idaho has evaluated the appropriate pollutants in its MVEB analysis and included MVEBs for the appropriate milestone years. According to the EPA's conformity rule, ammonia is a pollutant that is not required to be included in a $PM_{2.5}$ nonattainment area's MVEB unless it is determined to be a significant contributor to $PM_{2.5}$ formation in the area (40 CFR 93.102(b)(2)(v)). Paved road dust can also be excluded from an area's MVEB for similar reasons (40 CFR 93.102(b)(3)). Neither IDEQ or the EPA Regional Administrator have made a finding that transportation-related emissions of ammonia or re-entrained paved road dust are a significant contributor to the $PM_{2.5}$ nonattainment problem. Therefore, we propose to approve Idaho's MVEBs as meeting the requirements of the CAA and EPA's implementing regulations.

III. Proposed Action

Based on Idaho's submission and our evaluation discussed above, the EPA is proposing to approve the RFP and QM elements and revised MVEBs in the Cache SIP Amendment. If this proposed approval is finalized, the EPA's prior conditional approval will be removed and these elements will become fully approved.

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 2, 2019.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2019–22438 Filed 10–11–19; 8:45 am]

BILLING CODE 6560–50–P

[13] The EPA's September 7, 2018, reply letter and supporting document are included in the docket for this action.

[14] 40 CFR 51.1012(a)(2).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0163; FRL–10000–98–Region 8]

Approval and Promulgation of Implementation Plans; State of Montana; State Implementation Plan Revisions for Open Burning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Montana on May 24, 2018. The revision would remove a prohibition on the open burning of asbestos and asbestos-containing materials located in the SIP-approved Administrative Rules of Montana (ARM) Title 17, chapter 8, subchapter 6 and the similar provision in the SIP-approved Lincoln County Air Pollution Control Program. The revision would also remove a corresponding cross-reference located in SIP-approved ARM Title 17, chapter 8, subchapter 3 (concerning wood-waste burners). The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before November 14, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2019–0163, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

ARM Title 17, chapter 8, subchapter 6 contains Montana's open burning provisions, which make up the Montana smoke management plan. The smoke management plan regulates open burning across the state in order to limit smoke impacts on the National Ambient Air Quality Standards (NAAQS). The plan separates open burning into ''major'' and ''minor'' categories: Open burning that emits more than 500 tons per year (tpy) of carbon monoxide or 50 tpy of any other pollutant is major. *See* ARM 17.8.601. Major open burning sources must obtain a permit from Montana's Department of Environmental Quality (DEQ), ARM 17.8.610; minor open burning sources must comply with seasonal and regional restrictions, ARM 17.8.606. In both cases, open burning sources must apply best available control technology (BACT) as defined in ARM 17.8.601. Furthermore, the plan prohibits the open burning of certain materials, including asbestos and asbestos-containing materials, ARM 17.8.604(1)(w).

ARM 17.8.320 regulates wood-waste burners and generally prohibits the burning or disposal of certain products and materials in wood-waste burners, including asbestos and asbestos-containing materials, ARM 17.8.320(9) (cross-referencing other prohibited materials specified in ARM 17.8.604(1), including (1)(w)).

On August 13, 2001 (66 FR 42427), the EPA initially approved Montana's ARM 17.8.604—Open Burning (formerly ARM 16.8.1302), and Montana's ARM 17.8.320—Wood-Waste Burners. On August 20, 2015 (80 FR 50584), the EPA approved revisions to ARM 17.8.604, and on February 26, 2008 (73 FR 10150), the EPA approved revisions to ARM 17.8.320.

The Libby, Montana area was designated nonattainment for coarse particulate matter (PM_{10}) by operation of law on November 15, 1990 (56 FR 56694, 56794, November 6, 1991), under CAA section 107(d)(4)(B) and was classified as 'Moderate.' The PM_{10} attainment plan and Lincoln County Air Pollution Control Program were approved by EPA on August 30, 1994 (59 FR 44627). Additionally, on September 30, 1996 (61 FR 51014), the EPA approved revisions to the Libby, Montana PM_{10} SIP and Lincoln County Air Pollution Control Program, which included the analogous prohibition on the open burning of asbestos and asbestos-containing materials. Subsequently, portions of Lincoln County, including the town of Libby, were designated nonattainment for the 1997 fine particulate matter ($PM_{2.5}$) annual standard (74 FR 944, Jan. 5, 2005). On March 17, 2011 (76 FR 14584), the EPA approved the $PM_{2.5}$ attainment plan, including the Lincoln County prohibition on open burning of asbestos and asbestos-containing materials, and on July 14, 2015 (80 FR 40911), the EPA determined that the area attained the 1997 annual standard by the applicable attainment date. In its May 24, 2018 submittal, Montana states that the prohibitions on the burning of asbestos and asbestos-containing material were not necessary to include in the SIP. Although Montana's smoke management plan generally ensures attainment and maintenance of the NAAQS, the specific prohibition on the burning of asbestos and asbestos-containing materials in ARM 17.8.604(1)(*w*) and elsewhere are not related to protection of the NAAQS. According to the State, the provisions related to asbestos and asbestos-containing materials ''should never have been included in the SIP.'' [1] Instead, Montana intends that such provisions remain as state-only regulations, where

[1] May 24, 2018 State of Montana SIP revision submittal; 110(l) Demonstration.

they will continue to protect public health and welfare.[2] In accordance with CAA section 110(l), the State provided a demonstration that the SIP revision (*i.e.,* removal of the prohibition in ARM 17.8.604(1)(w) and in Lincoln County regulation 75.1.405(2)(w)) would not interfere with maintenance of the NAAQS, specifically the $PM_{2.5}$ and PM_{10} NAAQS.

II. The State's Submittal and the EPA's Evaluation

Section 110(k) of the CAA addresses the EPA's actions on submissions of revisions to a SIP. The CAA requires states to observe certain procedural requirements in developing SIP revisions for submittal to the EPA. Section 110(l) of the CAA requires that each SIP revision submitted by a state be adopted after reasonable notice and public hearing. Additionally, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress (RFP) toward attainment of the NAAQS, or any other applicable requirement of the Act.

Montana's May 24, 2018 submittal explains that some rules or provisions that are not specifically NAAQS-protective had been submitted and approved into the SIP. For example, while Montana's smoke management plan generally protects the NAAQS from smoke impacts, the list of prohibited materials in ARM 17.8.604 itself does not specifically address criteria pollutants. In other words, the regulation of open burning in general is intended to mitigate smoke impacts, not to specifically prohibit burning of asbestos or asbestos-containing materials. Accordingly, Montana requests that the prohibition be removed from the SIP although it would remain as a state and local regulation.

Montana's submittal provides an air quality analysis to show that removal of the prohibition in ARM 17.8.604(1)(w) and Lincoln County Ordinance 75.1.405(2)(w) would not interfere with the NAAQS, specifically for PM_{10} and $PM_{2.5}$.[3] The submittal first discusses the State areas that are or previously were designated nonattainment for PM_{10} and $PM_{2.5}$. These are provided in Table 1 below.

TABLE 1—MONTANA NONATTAINMENT AREAS FOR PM_{10} AND $PM_{2.5}$ WITH EPA FINAL ATTAINMENT PLAN APPROVAL AND CURRENT DETERMINATIONS OF ATTAINMENT

Nonattainment area	Standard violated	Designation	Final plan approval	Determination of attainment
Butte	PM_{10} (1987)	11/15/90	3/22/95, 60 FR 15056.	
Columbia Falls	PM_{10} (1987)	11/15/90	3/19/96, 61 FR 11153	1/31/11, 76 FR 5280.
Kalispell	PM_{10} (1987)	11/15/90	3/19/96, 61 FR 11153.	
Libby	PM_{10} (1987)	11/15/90	9/30/96, 61 FR 51014	1/31/11, 76 FR 5280.
Libby	$PM_{2.5}$ (1997)	4/5/05	3/17/11, 76 FR 14584	7/14/15, 80 FR 40911 *.
Missoula	PM_{10} (1987)	11/15/90	8/30/95, 60 FR 45051	5/24/19, 84 FR 24037 **.
Thompson Falls	PM_{10} (1987)	1/20/94	1/22/04, 69 FR 3011 *	11/1/01, 66 FR 55102.
Whitefish	PM_{10} (1987)	10/19/93	4/24/08, 73 FR 22057 *	11/1/01, 66 FR 55102.

* Included a clean data determination.
** The Missoula area was redesignated to attainment after Montana submitted the May 24, 2018 revision.

As further support, the State examined recent ambient air quality data for 2016 in the areas that historically have had PM_{10} and/or $PM_{2.5}$ issues. The State provided design values for the period 2014–2016 as shown in Table 2 below.[4]

TABLE 2—2016 DESIGN VALUES FOR PM_{10} AND $PM_{2.5}$ NONATTAINMENT AREAS IN THE STATE OF MONTANA

[μg/m3]

Nonattainment area	Standard violated	Current standard	2016 Design values		Designation
			*	**	
Butte	PM_{10} (1987)	150 24-hour	52, 51	52, 45	11/15/90
Columbia Falls	PM_{10} (1987)	150 24-hour	45, 44	45, 44	11/15/90
Kalispell	PM_{10} (1987)	150 24-hour	87, 84	87, 84	11/15/90
Libby	PM_{10} (1987)	150 24-hour	58, 57	45, 45	11/15/90
Libby	$PM_{2.5}$ (1997)	12 annual	9.8		4/5/05
Missoula	PM_{10} (1987)	150 24-hour	74, 65	74, 65	11/15/90
Thompson Falls	PM_{10} (1987)	150 24-hour	135, 97	97, 89	1/20/94

[2] Ibid.

[3] While the submittal identifies other areas that are or previously were designated nonattainment for the carbon monoxide (CO), sulfur dioxide (SO_2), and lead (Pb) NAAQS, Montana notes that particulate matter is the criteria pollutant most directly related to burning, or, more specifically, to the smoke that results from combustion. Accordingly, the State's analysis focuses on attainment and maintenance of the particulate matter NAAQS across Montana.

[4] State of Montana's CAA § 110(l) Anti-Backsliding Demonstration.

TABLE 2—2016 DESIGN VALUES FOR PM_{10} AND $PM_{2.5}$ NONATTAINMENT AREAS IN THE STATE OF MONTANA—Continued

[μg/m3]

Nonattainment area	Standard violated	Current standard	2016 Design values		Designation
			*	**	
Whitefish	PM_{10} (1987)	150 24-hour	106, 98	106, 98	10/19/93

* First high, second high including all flagged events.
** First high, second high excluding flagged events over 150 μg/m3.

Montana asserts that all of the State's particulate matter nonattainment areas are currently attaining the standard for which they were designated, and most (as identified in Table 1) have received a determination of attainment from the EPA. The EPA will work with DEQ to redesignate the nonattainment areas that are attaining; however, the EPA will not reach any final conclusions until the State of Montana provides a formal submittal for a redesignation request for PM_{10} and $PM_{2.5}$ nonattainment areas and after we conduct our own notice and comment rulemaking.

Montana's submittal then notes that in the areas that have been designated nonattainment for PM_{10} and $PM_{2.5}$, the approved attainment plans did not identify open burning as a major contributor to nonattainment. For example, in the Missoula PM_{10} attainment plan, the State identified re-entrained road dust and residential wood combustion as the primary contributors of PM_{10}. *See* 58 FR 48342. For Montana's only $PM_{2.5}$ nonattainment area, Libby, the State identified residential wood combustion as the primary contributor of $PM_{2.5}$, followed by re-entrained road dust and locomotive emissions. *See* 75 FR 55717.

The submittal also notes that open burning continues to be controlled generally under Montana's smoke management plan. The program generally requires open burning to be controlled using BACT; a number of techniques are listed that may be included in BACT, see ARM 17.8.601. Another feature of the program is DEQ's evaluation of meteorological conditions during the winter months. Depending on those conditions, even minor open burning in areas such as mountain valleys may be prohibited if it may risk increasing $PM_{2.5}$ concentrations above the NAAQS. The submittal concludes that the open burning program, as revised by removal of the prohibition on burning asbestos, is adequate to protect the NAAQS at the same level of stringency as the current SIP. For details of Montana's analysis, please see the submittal in the docket for this action.

The EPA has reviewed the State's submission and proposes to approve the SIP revision. The Agency agrees that removing the prohibition on burning asbestos or asbestos-containing materials from Montana's SIP will not interfere with any applicable requirement concerning attainment and RFP, or any other applicable requirement of the CAA.

First, the EPA notes that the disposal of asbestos-containing waste material is regulated under the National Emission Standards for Hazardous Air Pollutants (NESHAP). *See* 40 CFR part 61, subpart M. For material subject to the asbestos NESHAP, open burning is not allowed. The removal of the prohibition on burning asbestos or asbestos-containing materials from Montana's SIP in no way impacts or modifies the asbestos NESHAP or the existing delegation of authority to Montana to implement and enforce the NESHAP.[5] Accordingly, full compliance with the asbestos NESHAP is required and will not be impacted by this SIP revision.

Second, the EPA proposes to conclude that removal of the prohibition will not interfere with any applicable requirement concerning attainment and RFP. The State's submittal explains that Montana's open burning program, as revised by removal of the prohibition, is adequate to protect the NAAQS at the same level of stringency as the current SIP. Open burning is generally controlled under ARM 17.8, subchapter 6.

The State recognizes, nonetheless, that the prohibition in ARM 17.8.604(1)(w) may have had a secondary result of ''essentially banning open burning of any wood'' from asbestos-contaminated forests in the Libby nonattainment area. Thus, the EPA is mindful that removing the prohibition could increase the total acreage of land that may be subjected to prescribed burns in the State. However, the Libby nonattainment area includes the city of Libby and other developed areas (*i.e.,* not just forest land). Furthermore, as the State explained, any prescribed burns would be controlled under ARM 17.8, subchapter 6, including the application of BACT (*e.g.,* scheduling of burning during periods and seasons of good dispersion; minimizing smoke impacts; limiting the amount of burning to be performed during any one time; selecting sites that will minimize smoke impacts, etc.). Thus, the slight increase in acreage available to burn is not reasonably expected to result in a material increase in prescribed burning or a material increase of emissions that would interfere with attainment or maintenance of the NAAQS.

As noted above, Montana's submittal included an air quality analysis the State believes would demonstrate that the revised SIP will be adequate to maintain the NAAQS. In particular, Montana's analysis excludes certain monitor days flagged by the State as potentially impacted by activities that are atypical or not expected to occur again in the future. At this time, however, the State has not prepared any demonstrations and EPA has not made any determination regarding whether the flagged data should be excluded from the Air Quality System database or any future regulatory determinations. While we take no position on the flagged data at this time, for the reasons discussed above, we agree that removing the prohibition in ARM 17.8.604(1)(w) will not interfere with any applicable requirements concerning attainment and RFP toward attainment of the NAAQS, or any other applicable requirement of the Act. With respect to the removal of the corresponding provision for Lincoln County, we note that we fully approved the PM_{10} and $PM_{2.5}$ attainment plans for Lincoln County, and determined that the area attained by the applicable attainment date for both standards. Thus, there are currently not any attainment-related planning obligations for Lincoln County with which the revision might interfere.

As discussed above, PM_{10} and $PM_{2.5}$ impacts in Lincoln County are not believed to be attributable to open burning. Indeed, emission inventories

[5] *https://www.epa.gov/region8/delegations-authority-nsps-and-neshap-standards-states-and-tribes-region-8.*

and chemical mass balance studies linked PM_{10} impacts with dust and, to a smaller degree, residential wood combustion. Similar analyses for $PM_{2.5}$ tied impacts primarily to residential wood combustion. Further, open burning is subject to open burning regulations, including the application of BACT. Thus, removal of the Lincoln County provision that prohibits the burning of asbestos and asbestos-containing materials will not interfere with any applicable CAA requirement, including attainment and RFP.

Finally, section 110(l) requires that each revision to the SIP submitted by a state shall be adopted by the state after reasonable notice and opportunity for public hearing. The DEQ held a public comment period from October 18, 2017, to November 17, 2017, on the proposed revision and received no public comments or requests for a public hearing.

III. Proposed Action

We are proposing to approve the following revisions to the Montana SIP that were submitted on May 24, 2018: Removal of ARM 17.8.604(1)(w), removal of the reference to ARM17.8.604(1)(w) in ARM 17.8.320(9), and removal of 75.1.405(2)(w) in the Lincoln County Air Pollution Control Program.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to remove ARM 17.8.604(1)(w), including the reference to ARM 17.8.604(1)(w) in ARM 17.8.320(9), and 75.1.405(2)(w) in the Lincoln County Air Pollution Control Program from the Montana SIP. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 4, 2019.

Gregory Sopkin,

Regional Administrator, EPA Region 8.

[FR Doc. 2019–22206 Filed 10–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0462; FRL–10001–09–Region 4]

Air Plan Approval; Georgia: Revisions to Cross-State Air Pollution Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Georgia, through the Georgia Environmental Protection Division (GA EPD) of the Department of Natural Resources, via a letter dated July 31, 2018. Specifically, EPA is proposing to approve typographical changes to Georgia's SIP-approved regulations regarding its Cross-State Air Pollution Rule (CSAPR) state trading programs. This action is being proposed pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

DATES: Comments must be received on or before November 14, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. at EPA–R04–OAR–2019–0462 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy,

information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT:

Steven Scofield, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9034. Mr. Scofield can also be reached via electronic mail at *scofield.steve@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

GA EPD submitted a SIP revision through a letter dated July 31, 2018,[1] to EPA for review and approval that revises Georgia's SIP-approved rules regarding its CSAPR[2] state trading programs at Rule 391–3–1–.02(12)—''*Cross State Air Pollution Rule NO_X Annual Trading Program,*'' Rule 391–3–1-.02(13)—''*Cross State Air Pollution Rule SO_2 Annual Trading Program,*'' and Rule 391–3–1-.02(14)—''*Cross State Air Pollution Rule NO_X Ozone Season Trading Program.*''

II. Analysis of State's Submittal

Georgia's submittal makes several typographical edits to Rule 391–3–1–.02(12)—''*Cross State Air Pollution Rule NO_X Annual Trading Program,*'' Rule 391–3–1–.02(13)—''*Cross State Air Pollution Rule SO_2 Annual Trading Program,*'' and Rule 391–3–1–.02(14)—''*Cross State Air Pollution Rule NO_X Ozone Season Trading Program.*'' Specifically, the revision to subparagraph 391–3–1–.02(12)(a) changes the brackets around the **Federal Register** reference and date to parentheses; the revision to subparagraph 391–3–1–.02(13)(a) changes the brackets around the **Federal Register** reference and date to parentheses, and changes the reference to ''40 CFR part 97.402'' to the correct reference of ''40 CFR part 97.702;'' and the revision to subparagraph 391–3–1–.02(14)(a) changes the brackets around the **Federal Register** reference and date to parentheses, and changes the reference to ''40 CFR part 97.402'' to the correct reference of ''40 CFR part 97.502.''

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Georgia Rule 391–3–1–.02(12)—''*Cross State Air Pollution Rule NO_X Annual Trading Program,*'' Rule 391–3–1–.02(13)—''*Cross State Air Pollution Rule SO_2 Annual Trading Program,*'' and Rule 391–3–1–.02(14)—''*Cross State Air Pollution Rule NO_X Ozone Season Trading Program,*'' state effective July 23, 2018. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the aforementioned changes to Georgia's SIP at Rule 391–3–1–.02(12)—''*Cross State Air Pollution Rule NO_X Annual Trading Program,*'' Rule 391–3–1–.02(13)—''*Cross State Air Pollution Rule SO_2 Annual Trading Program,*'' and Rule 391–3–1–.02(14)—''*Cross State Air Pollution Rule NO_X Ozone Season Trading Program.*'' These changes are consistent with the CAA.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

[1] EPA received the SIP revision on August 2, 2018. EPA received several other SIP revisions from Georgia through GA EPD's July 31, 2018, letter. These other revisions have been or will be addressed in separate EPA actions.

[2] CSAPR is a Federal rule that requires 27 Eastern states to limit their statewide emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X) from electric generating units (EGUs) that significantly contribute to downwind nonattainment of the 1997 Annual fine particulate matter ($PM_{2.5}$) and 8-hour ozone national ambient air quality standards (NAAQS), 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. Through its CSAPR rulemakings, EPA determined that air pollution transported from EGUs in Georgia would unlawfully affect other states' ability to attain or maintain the 1997 8-hour ozone NAAQS, the 1997 Annual $PM_{2.5}$ NAAQS, and the 2006 24-hour $PM_{2.5}$ NAAQS, and included Georgia in the CSAPR ozone season NO_X trading program and the annual SO_2 and NO_X trading programs. In 2017, EPA approved Georgia's state trading programs for annual NO_X, annual SO_2, and ozone season NO_X emissions and incorporated Georgia Rules 391–3–1-.02(12), .02(13), and .02(14) into the SIP. *See* 82 FR 47930 (October 13, 2017) for more information on CSAPR and Georgia's CSAPR state trading programs.

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

Dated: September 25, 2019.

Mary S. Walker,

Regional Administrator, Region 4.

[FR Doc. 2019–22326 Filed 10–11–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 29, and 52

[FAR Case 2018–023; Docket No. 2018–0023; Sequence No. 1]

RIN 9000–AN81

Federal Acquisition Regulation: Taxes-Foreign Contracts in Afghanistan; Correction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule; correction.

SUMMARY: On September 20, 2019, DoD, GSA, and NASA published a document proposing to amend the Federal Acquisition Regulation (FAR) to add two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan. The document heading carried an incorrect Regulation Identifier Number (RIN). This document carries the correct RIN.

DATES: Comments for the proposed rule published September 20, 2019, at 84 FR 49502, continue to be accepted on or before November 19, 2019, to be considered in the formulation of a final rule.

ADDRESSES: Submit comments in response to FAR Case 2018–023 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''FAR Case 2018–023'' under the heading ''Enter Keyword or ID'' and selecting ''Search''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2018–023''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''FAR Case 2018–023'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division, ATTN: Lois Mandell, 1800 F Street NW, 2nd floor, Washington, DC 20405.

Instructions: Please submit comments only and cite ''FAR case 2018–023'' in all correspondence related to this case. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Kevin Funk, Procurement Analyst, at 202–357–5805 or *kevin.funk@gsa.gov.* For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite ''FAR Case 2018–023.''

SUPPLEMENTARY INFORMATION: On September 20, 2019, at 84 FR 49502, DoD, GSA, and NASA published a proposed rule to amend the Federal Acquisition Regulation (FAR) to add two new clauses that notify contractors of requirements relating to Afghanistan taxes or similar charges when contracts are being performed in Afghanistan. The document's heading contained the incorrect RIN, ''RIN 9000–AN68.'' The correct RIN is ''RIN 9000–AN81'' and is in the heading of this correction.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2019–22282 Filed 10–11–19; 8:45 am]

BILLING CODE 6820–EP–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1039

[Docket No. EP 760]

Exclusion of Demurrage Regulation From Certain Class Exemptions

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (STB or Board) proposes to clarify its regulations governing exemptions for certain miscellaneous commodities and boxcar transportation so that those regulations unambiguously state that demurrage continues to be subject to Board regulation. The Board also proposes to revoke, in part, the exemption that currently covers certain agricultural commodities so that the exemption would not apply to the regulation of demurrage, thereby making the agricultural commodities exemption consistent with similar exemptions covering non-intermodal transportation.

DATES: Comments on the proposed rule are due by November 6, 2019. Reply comments are due by December 6, 2019.

ADDRESSES: Comments and replies may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, Attn: Docket No. EP 760, 395 E Street SW, Washington, DC 20423–0001. Comments and replies will be posted to the Board's website at *www.stb.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 245–0391. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Board's regulations exempt from the provisions of subtitle IV of title 49 of the U.S. Code the rail transportation of certain miscellaneous commodities (*see* 49 CFR 1039.11) and boxcar transportation (*see* 49 CFR 1039.14). The Board proposes to amend these regulations to state more clearly that the exemptions do not apply to the regulation of demurrage. Although the regulations for these class exemptions have already been interpreted to effectively exclude the regulation of demurrage, the Board finds these regulations would be more easily understood by more clearly stating the demurrage exclusion. Such clarification would also reflect the longstanding court and agency precedent that these exemptions do not apply to the regulation of demurrage.

The rail transportation of certain agricultural commodities is also exempt.[1] Section 1039.10 does not specifically state that demurrage[2] related to the transportation of these agricultural commodities continues to be subject to Board regulation. The Board finds that regulation of demurrage related to the non-intermodal transportation of these agricultural commodities is necessary to carry out the rail transportation policy of 49 U.S.C. 10101[3] and notes that, as

[1] The agricultural commodity exemption under 49 CFR 1039.10 excepts the rail transportation of grain, soybeans, and sunflower seeds, so the rail transportation of those commodities is subject to the provisions of subtitle IV of title 49.

[2] In *Demurrage Liability,* EP 707, slip op. at 15–16 (STB served Apr. 11, 2014), the Board clarified that private car storage is included in the definition of demurrage for purposes of the demurrage rules established in that decision. The Board uses the same definition for purposes of this notice of proposed rulemaking.

[3] This proposed partial revocation is not intended to authorize the regulation of demurrage related to

Continued

discussed above, other exemptions for the rail transportation of certain miscellaneous commodities and for boxcar transportation already effectively permit regulation of demurrage. Therefore, the Board proposes, pursuant to 49 U.S.C. 10502(d), to revoke, in part, the exemption for agricultural commodities at 1039.10 to provide that the exemption does not apply to the regulation of demurrage related to the non-intermodal transportation of these commodities.

Background

This notice of proposed rulemaking arises, in part, as a result of the testimony and comments submitted in *Oversight Hearing on Demurrage & Accessorial Charges,* Docket No. EP 754. The Board commenced that docket by notice served on April 8, 2019, following concerns expressed by users of the freight rail network (rail users) [4] and other stakeholders about recent changes to demurrage and accessorial tariffs administered by Class I carriers, which the Board was actively monitoring.[5] Specifically, in *Oversight Hearing on Demurrage & Accessorial Charges* (*April 2019 Notice*), EP 754, slip op. at 2 (STB served Apr. 8, 2019), the Board announced a May 22, 2019 public hearing, which was later extended to include a second day; [6] directed Class I carriers to appear at the hearing; and invited shippers, receivers, third-party logistics providers, and other interested parties to participate. The notice also directed Class I carriers to provide specific information on their demurrage and accessorial rules and charges and required all hearing participants to submit written testimony, both in advance of the hearing. *April 2019 Notice,* EP 754, slip op. at 2–4. Comments were also accepted from interested persons who would not be appearing at the hearing. The Board received over 90 pre-hearing submissions from interested parties; heard testimony over a two-day period from 12 panels composed of, collectively, over 50 participants; and received 36 post-hearing comments.

Numerous parties, including those involved in rail transportation subject to class exemptions, submitted comments and testified at the hearing.[7] For example, the U.S. Department of Agriculture explained in its comments that ''[m]any agricultural shippers are concerned with new and increasing charges and their unfair structure, which imposes steep penalties on customer performance without reciprocal penalties on railroad performance.'' U.S. Department of Agriculture Comments, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754. After considering the submissions and hearing testimony and related laws and regulations, the Board proposes to clarify its regulations governing exemptions for certain miscellaneous commodities and boxcar transportation to ensure that they unambiguously state that demurrage continues to be subject to Board regulation. The Board also proposes to partially revoke the exemption for transportation of certain agricultural commodities to permit the regulation of demurrage, which would make the agricultural commodities exemption consistent with similar exemptions covering non-intermodal transportation.

Demurrage is subject to Board regulation under 49 U.S.C. 10702, which requires railroads to establish reasonable rates and transportation-related rules and practices, and under 49 U.S.C. 10746, which requires railroads to compute demurrage charges, and establish rules related to those charges, in a way that will fulfill national needs related to freight car use and distribution and maintenance of an adequate car supply. Demurrage is a charge that both compensates rail carriers for the expense incurred when rail cars are detained beyond a specified period of time (*i.e.,* ''free time'') for loading and unloading and serves as a penalty for undue car detention to encourage the efficient use of rail cars in the rail network. *See* 49 CFR 1333.1; *see also* 49 CFR 1201, category 106.

Pursuant to 49 U.S.C. 10502(a), the Board is required to exempt a person, class of persons, or a transaction or service whenever the Board finds that the application in whole or in part of 49 U.S.C. subtitle IV (1) is not necessary to carry out the transportation policy of 49 U.S.C. 10101, and (2) either the transaction or service is of limited scope, or the application of the statute is not needed to protect shippers from the abuse of market power.

However, after an exemption is granted, the agency continues to ''monitor the effects of the exemption to assure that continued regulation is not needed.'' *Improvement of TOFC/COFC Regulation,* 364 I.C.C. 731, 733 (1981) (citing H. Rep. 96–1430, 96th Cong., 2d Sess., at 104–05). Congress accordingly provided a mechanism for revoking exemptions in whole or in part. Specifically, 49 U.S.C. 10502(d) provides that ''[t]he Board may revoke an exemption, to the extent it specifies, when it finds that application in whole or in part of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 10101 of this title.'' In the 1980s, the Interstate Commerce Commission (ICC), the Board's predecessor, exercised its exemption authority to exempt from regulation, subject to various exceptions, several types of commodities and all commodities transported in boxcars. *See Rail Gen. Exemption Auth.—Miscellaneous Manufactured Commodities,* 6 I.C.C.2d 186, 186 (1989) (codified as amended at 49 CFR 1039.11); *Rail Gen. Exemption Auth.—Miscellaneous Agric. Commodities,* 367 I.C.C. 298, 299 (1983) (codified as amended at 49 CFR 1039.10); *Exemption from Regulation—Boxcar Traffic,* 367 I.C.C. 425, 455 (1983), *aff'd in relevant part, Brae Corp.* v. *ICC,* 740 F.2d 1023 (DC Cir. 1984) (codified at 49 CFR 1039.14).

The class exemptions for miscellaneous commodities and boxcar transportation already exclude the regulation of demurrage. Specifically, the regulations state that the exemption for miscellaneous commodities ''shall not be construed as affecting in any way the existing regulations . . . regarding the use of equipment, whether shipper or railroad owned or leased, including car hire, per diem and mileage allowances.'' 49 CFR 1039.11(a). The Board has also explained that the exemption ''does not affect regulation regarding the use of equipment,'' and

intermodal transportation under the exemption at 49 CFR 1039.13.

[4] As used in this proposed rule, the term ''rail users'' broadly means any person that receives rail cars for loading or unloading, regardless of whether that person has a property interest in the freight being transported.

[5] In November 2018, the Board sent letters to two Class I carriers, requesting that they examine, from the perspective of reciprocity and commercial fairness, recently announced changes to their policies and practices made in connection with new operating plans they were implementing. After receiving responses from those two carriers, the Board requested each Class I carrier to report its revenues from demurrage and accessorial charges for each quarter of 2018, and, on a going-forward basis, for each quarter of 2019. Because accessorial charges are not uniform among carriers, each Class I carrier was asked to identify the specific accessorial items that account for its reported revenues.

[6] *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754, slip op. at 1 (STB served May 3, 2019).

[7] These parties include, among others: Ag Processing Inc; American Forest & Paper Association; Bunge North America; Consolidated Scrap Resources, Inc.; International Paper; the Agricultural Retailers Association; the California League of Food Producers; The Fertilizer Institute; the Freight Rail Customer Alliance; the Institute of Scrap Recycling; the National Grain and Feed Association; and the National Industrial Transportation League. Comments and written testimony from these parties are available in the docket for EP 754.

because ''[d]emurrage is a matter regarding use of equipment,'' such matters are expressly excluded from the exemption. *Savannah Port Terminal R.R.—Pet. for Declaratory Order—Certain Rates & Practices as Applied to Capital Cargo, Inc.,* FD 34920, slip op. at 7–8 (STB served May 30, 2008) (rejecting argument that 1039.11 precluded the Board from hearing a demurrage dispute related to commodities listed in that section).

Similarly, under the boxcar transportation exemption, the Board retains jurisdiction over ''[c]ar hire and car service'' and ''[c]ar supply,'' 49 CFR 1039.14(b)(1), (4). The United States Court of Appeals for the Second Circuit held in 1997 that these terms encompassed demurrage, stating ''the terms 'car supply' and 'car service' are defined in the [Interstate Commerce Act] as encompassing demurrage charges.'' *Del. & Hudson Ry.* v. *Offset Paperback Mfrs.,* 126 F.3d 426, 429 (2d Cir. 1997) (citing 49 U.S.C. 10746, 10102(2)). Moreover, when the ICC promulgated 1039.14, it expressly stated that its decision ''does not affect the obligations of rail carriers to compute demurrage charges and establish rules related to those charges.'' *Exemption from Regulation—Boxcar Traffic,* 367 I.C.C. at 455. As the Board has stated, demurrage is ''related to car service'' and therefore the boxcar transportation exemption does not ''extend[] to controversies over assessment of demurrage.'' *Savannah Port Terminal R.R.,* FD 34920, slip op. at 7 (citing *Del. & Hudson Ry.,* 126 F.3d at 428–29).

Proposed Rule

The Board proposes to amend 49 CFR 1039.11 and 1039.14, consistent with the Second Circuit's ruling in *Delaware & Hudson Railway* and the Board's ruling in *Savannah Port,* to state unambiguously that the exemptions for certain miscellaneous commodities and boxcar transportation do not apply to the regulation of demurrage. In addition, the Board proposes to amend 49 CFR 1039.10 by revoking, in part, the exemption for the rail transportation of certain agricultural products (except grain, soybeans, and sunflower seeds, which are already subject to the Board's regulation) to permit the regulation of demurrage related to the non-intermodal transportation of those commodities. For the reasons discussed below, the Board finds that the regulation of demurrage related to this transportation is necessary to carry out the rail transportation policy of 49 U.S.C. 10101. *See* 49 U.S.C. 10502(d).

Amendments to 49 CFR 1039.11 and 1039.14

Court and agency decisions have concluded that the exemptions in 1039.11 and 1039.14 do not apply to the regulation of demurrage. *See Savannah Port,* FD 34920, slip op. at 7–8; *Del. & Hudson Ry.,* 126 F.3d at 429. The Board recognizes, however, that the regulations themselves do not use the term ''demurrage,'' which could cause confusion. Therefore, the Board proposes amending 1039.11 to add the following language: ''Consistent with the exemptions in 1039.10 and 1039.14, this exemption shall not apply to the regulation of demurrage, except the regulation of demurrage related to transportation that is subject to 1039.13.'' Additionally, the Board proposes amending 1039.14 to add the following language: ''Consistent with the exemptions in 1039.10 and 1039.11, this exemption shall not apply to the regulation of demurrage, except the regulation of demurrage related to transportation that is subject to 1039.13.'' These proposed amendments to 1039.11 and 1039.14 are intended only to ensure that the regulations will be clearly understood consistent with court and agency precedent, not to make a substantive change.

Amendment to 49 CFR 1039.10

As noted above, numerous parties, including shippers and receivers of certain agricultural commodities subject to 1039.10, have expressed to the Board serious concerns about demurrage rules and charges. Those concerns, including those expressed in the extensive testimony and written submissions in *Oversight Hearing on Demurrage & Accessorial Charges,* have led the Board to issue a proposed policy statement to provide the public with information on principles the Board would consider in evaluating the reasonableness of demurrage and accessorial rules and charges, and to issue a separate notice of proposed rulemaking addressing particular demurrage billing practices. *See Policy Statement on Demurrage & Accessorial Rules & Charges,* EP 757 (STB served October 7, 2019); *Demurrage Billing Requirements,* EP 759 (STB served October 7, 2019). But the principles announced in the proposed policy statement and the notice of proposed rulemaking would be thwarted to the extent demurrage is not subject to regulation. To help ensure that regulatory relief is on par with other, and accessible to all, non-intermodal transportation shippers and receivers, the Board proposes to partially revoke the exemption for agricultural commodities.

The concerns expressed suggest that certain carrier demurrage rules and charges may not be reasonable and may not fulfill the overarching purpose of demurrage, and therefore may render freight rail service less likely to meet the needs of the public. The Board is concerned about the imposition of demurrage charges for circumstances beyond the shipper's or receiver's reasonable control. Such charges—which may arise in connection with the transportation of a wide range of commodities, including agricultural commodities—do not incentivize behavior on the part of shippers or receivers that would encourage the efficient use of rail assets (both equipment and track), and therefore would not fulfill the overarching purpose of demurrage. Therefore, the Board finds that this partial revocation is necessary to ''ensure the development and continuation of a sound rail transportation system . . . to meet the needs of the public,'' 49 U.S.C. 10101(4); to foster ''sound economic conditions in transportation,'' 10101(5); and to ''encourage honest and efficient management of railroads,'' 10101(9). Further, if demurrage is exempt from regulation, then agricultural shippers or receivers seeking to bring a demurrage-related action before the Board would need to request, and the Board would need to grant, partial revocation of the class exemption as it applies to demurrage in every individual case, which may add to the complexity, length, and cost of such proceedings to the parties and the Board. The proposed partial revocation is therefore necessary to ''require fair and expeditious regulatory decisions when regulation is required,'' 10101(2), and to ''provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part,'' 10101(15). There does not appear to be any significant conflict between the proposed partial revocation of the exemption for transportation of agricultural commodities and the other aspects of the rail transportation policy of 10101.

This proposed partial revocation is consistent with longstanding agency practice and precedent. The Board, and the ICC before it, have long regulated demurrage, including as related to certain transportation otherwise exempt under 10502, and have declined to exclude demurrage from regulation. For example, in 1996, the Board considered but rejected two proposals that would have largely eliminated the regulation of demurrage, finding that they did not

meet the exemption criteria of 10502(a). *See Exemption of Demurrage from Regulation,* EP 462, slip op. at 2–4 (STB served Mar. 29, 1996). The Board found that the first proposal, which was ''to exempt demurrage following the first 24-hour period after a car is tendered for loading and following the first 48-hour period after a car is tendered for unloading,'' created the ''potential . . . for an abuse of market power'' by making shippers potentially subject to ''unreasonable charges.'' *Id.* at 3. The Board found that the second proposal, which was to ''exempt demurrage as a separate and distinct area of regulation'' except that demurrage charges could be included in rate reasonableness challenges, would ''be far more cumbersome and costly than the present regulatory scheme.'' *Id.* at 4.

Given that exemptions for certain miscellaneous commodities and boxcar transportation do not apply to the regulation of demurrage, it is reasonable to conclude that demurrage should be excluded from the exemptions in 1039.10 as well. The Board finds no reason why demurrage claims should be permitted under 1039.11 and 1039.14 but barred under 1039.10, given that all three exemptions are otherwise substantially similar and were promulgated for similar reasons. *See Rail Gen. Exemption Auth.—Miscellaneous Agric. Commodities,* 367 I.C.C. at 299–303; *Rail Gen. Exemption Auth.—Miscellaneous Manufactured Commodities,* 6 I.C.C.2d at 186–96; *Exemption from Regulation—Boxcar Traffic,* 367 I.C.C. at 425–56.

Leaving 1039.10 unchanged could have undesirable effects. Shippers and receivers of certain agricultural commodities might interpret the absence of the exclusion of demurrage in 1039.10 (especially when contrasted with the exclusions with respect to certain miscellaneous commodities and boxcar transportation) to mean that the Board lacks the authority (unless it revokes the exemption) to hear demurrage disputes related to transportation of certain agricultural commodities. Although the Board has a process for case-specific revocations, the Board finds no basis for treating only this segment of exempt transportation differently from other exempt, non-intermodal transportation.

Because the Board finds that regulation of demurrage is necessary to carry out the rail transportation policy of 49 U.S.C. 10101, the Board proposes to amend 1039.10, pursuant to 49 U.S.C. 10502(d), by partially revoking the exemption to permit the regulation of demurrage related to non-intermodal transportation of certain agricultural commodities. The Board proposes to add the following sentence to 1039.10: ''Consistent with the exemptions in 1039.11 and 1039.14, this exemption shall not apply to the regulation of demurrage, except the regulation of demurrage related to transportation that is subject to 1039.13.'' By stating that 1039.10 is ''[c]onsistent with the exemptions in 1039.11 and 1039.14,'' the Board intends to clarify that all three provisions permit the regulation of demurrage. The proposed language also clarifies that this revocation is not intended to authorize the regulation of demurrage related to intermodal transportation. *See* 49 CFR 1039.13.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. Section 601–604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, 603(a), or certify that the proposed rule would not have a ''significant impact on a substantial number of small entities.'' 605(b). Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates those entities. In other words, the impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop.* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

The proposed rule could potentially have a significant economic impact on a substantial number of small entities.[8] In the past 10 years, two of the six cases involving alleged violations of the statutes governing demurrage that have been referred to or filed with the Board have involved Class III carriers, and one of those two cases arose from a collection action instituted by the rail carrier. Parties may comment on information relevant to the burden, if any, the proposed rule would have on small rail carriers.

Description of the Reasons Why the Action by the Agency Is Being Considered

The Board instituted this proceeding to address an issue related to the Board's recent proceeding, *Oversight Hearing on Demurrage & Accessorial Charges,* Docket No. EP 754. The Board commenced that docket by notice served on April 8, 2019, following concerns expressed by rail users and other stakeholders about recent changes to demurrage and accessorial tariffs administered by Class I carriers, which the Board was actively monitoring.

Succinct Statement of the Objectives of, and Legal Basis for, the Proposed Rule

The objective of the proposed rule is (1) to clarify the Board's regulations governing exemptions for certain miscellaneous commodities and boxcar transportation to ensure that the regulations unambiguously state that demurrage continues to be subject to Board regulation and (2) to revoke, in part, the exemption for the transportation of certain agricultural commodities (except grain, soybeans, and sunflower seeds, which are already subject to the Board's regulation) to provide that the exemption does not apply to the regulation of demurrage. Partial revocation is necessary to carry out the rail transportation policy of 49 U.S.C. 10101. Partial revocation also would make the agricultural commodities exemption consistent with similar exemptions for certain miscellaneous commodities and boxcar transportation, neither of which applies to the regulation of demurrage. Partial revocation would help ensure that this segment of exempt transportation is not treated differently from other exempt, non-intermodal transportation. The legal basis for the proposed rule is 49 U.S.C. 10502(d), which gives the Board authority to revoke an exemption, in whole or in part, when necessary to carry out the rail transportation policy of 49 U.S.C. 10101.

[8] For the purpose of RFA analysis, the Board defines a ''small business'' as only including those rail carriers classified as Class III rail carriers under 49 CFR 1201.1–1. *See Small Entity Size Standards Under the Regulatory Flexibility Act,* EP 719 (STB served June 30, 2016) (with Board Member Begeman dissenting). Class III carriers have annual operating revenues of $20 million or less in 1991 dollars, or $39,194,876 or less when adjusted for inflation using 2018 data. Class II rail carriers have annual operating revenues of less than $250 million in 1991 dollars or up to $489,935,956 when adjusted for inflation using 2018 data. The Board calculates the revenue deflator factor annually and publishes the railroad revenue thresholds on its website. 49 CFR 1201.1–1; *Indexing the Annual Operating Revenues of R.Rs.,* EP 748 (STB served June 14, 2019).

Description of, and, Where Feasible, an Estimate of the Number of Small Entities To Which the Proposed Rule Will Apply

The proposed rule would apply to rail carriers charging demurrage in connection with the transportation of certain agricultural commodities, certain miscellaneous commodities, and boxcar transportation, subject to the exemptions at 49 CFR 1039.10, 1039.11, and 1039.14, respectively. It therefore could potentially apply to approximately 656 small rail carriers.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirement and the Types of Professional Skills Necessary for Preparation of the Report or Record

The proposed rule would subject rail carriers that charge demurrage in connection with the transportation of certain agricultural commodities to the Board's statutes and regulations regarding demurrage. Regulation would not impose new reporting requirements directly or indirectly on small entities because the ICC Termination Act of 1995 removed regulatory paperwork burdens (with limited exceptions) on rail carriers to file tariffs or contract summary filings for rail shipments, exempt or non-exempt.[9] To the extent that transportation of certain agricultural commodities would become subject to Board regulation of demurrage, carriers would be required to provide actual notice of demurrage liability and charges as a prerequisite to assessing demurrage. However, these types of notices are generally already provided, often electronically, for regulated commodities and certain other exempt transportation. Rail carriers wishing to collect demurrage may need to update their demurrage rules and charges to conform to this notice requirement to the extent they do not already do so. Only six cases involving alleged violations of the statutes governing demurrage have been referred to or filed with the Board in the past 10 years. Of those cases, only two involved a Class III carrier, and one of those two cases arose from a collection action instituted by the carrier. The Board seeks further comment on any recordkeeping or other compliance requirements, if any, needed to conform to the proposed rule.

Identification, to the Extent Practicable, of All Relevant Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

The Board is unaware of any duplicative, overlapping, or conflicting federal rules. The Board seeks comments and information about any such rules.

Description of any Significant Alternatives to the Proposed Rule That Accomplish the Stated Objectives of Applicable Statutes and That Minimize any Significant Economic Impact of the Proposed Rule on Small Entities, Including Alternatives Considered, Such as: (1) Establishment of Differing Compliance or Reporting Requirements or Timetables That Take Into Account the Resources Available to Small Entities; (2) Clarification, Consolidation, or Simplification of Compliance and Reporting Requirements Under the Rule for Such Small Entities; (3) Use of Performance Rather Than Design Standards; (4) any Exemption From Coverage of the Rule, or any Part Thereof, for Such Small Entities

One alternative to the proposed rule would be to exempt certain or all small rail carriers from coverage or compliance with the rule, in whole or in part (partially revoking the exemption from demurrage regulation for larger carriers but keeping the exemption in place for some or all small carriers or excepting small carriers from certain compliance obligations). This alternative, however, would greatly complicate cases involving demurrage disputes that involve both large and small carriers, and it could thwart the principles announced in the Board's proposed policy statement in Docket No. EP 757 and its other notice of proposed rulemaking regarding demurrage in Docket No. EP 759. Another alternative would be to take no action—thereby implementing no changes to the current regulations—however, this would also thwart the aforementioned principles. Neither alternative would accomplish the proposed rule's objective of making the agricultural commodities exemption consistent with similar exemptions for miscellaneous commodities and boxcar transportation, neither of which applies to the regulation of demurrage. Commenters should, if they advance any of these alternatives in their comments, address how such alternatives would be consistent or inconsistent with the goals envisioned by the proposed rules, particularly whether such alternatives carry out the rail transportation policy of 49 U.S.C. 10101.

It is ordered:

1. The Board proposes to amend its rules as set forth in this decision. Notice of the proposed rules will be published in the **Federal Register**.

2. Comments are due by November 6, 2019. Reply comments are due by December 6, 2019.

3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

4. This decision is effective on its service date.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, intermodal transportation, railroads.

Decided: October 4, 2019.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Kenyatta Clay,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1039 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1039—EXEMPTIONS

■ 1. The authority citation for part 1039 continues to read as follows:

Authority: 49 U.S.C. 10502, 13301.

■ 2. Amend § 1039.10 by adding a sentence before the last sentence to read as follows:

§ 1039.10 Exemption of agricultural commodities except grain, soybeans, and sunflower seeds.

* * * Consistent with the exemptions in § 1039.11 and § 1039.14, this exemption shall not apply to the regulation of demurrage, except the regulation of demurrage related to transportation that is subject to § 1039.13. * * *

■ 3. Amend § 1039.11 by adding a sentence at the end of paragraph (a) to read as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * * Consistent with the exemptions in § 1039.10 and § 1039.14, this exemption shall not apply to the regulation of demurrage, except the regulation of demurrage related to transportation that is subject to § 1039.13.

■ 4. Revise § 1039.14(d) to read as follows:

[9] Railroads are required to file with the Board summaries of all contracts for the transportation of agricultural products within seven days of the contracts' effective dates. Summaries must contain specific information contained in 49 CFR part 1313 and are posted on the agency's website, *www.stb.gov.*

§ 1039.14 Boxcar transportation exemptions and rules.

* * * * *

(d) Carriers must continue to comply with Board accounting and reporting requirements. Railroad tariffs pertaining to the exempted transportation of commodities in boxcars will no longer apply. Consistent with the exemptions in § 1039.10 and § 1039.11, this exemption shall not apply to the regulation of demurrage, except the regulation of demurrage related to transportation that is subject to § 1039.13. This exemption shall remain in effect, unless modified or revoked by a subsequent order of the Board.

[FR Doc. 2019–22201 Filed 10–11–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1333

[Docket No. FD EP 759]

Demurrage Billing Requirements

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (STB or Board) proposes changes to the Board's regulations governing demurrage liability. Specifically, the Board proposes certain requirements regarding Class I carriers' demurrage invoices, as well as a requirement that a Class I carrier directly bill the shipper if the shipper and warehouseman agree to that arrangement and have so notified the rail carrier.

DATES: Comments are due by November 6, 2019. Reply comments are due by December 6, 2019.

ADDRESSES: Comments and replies may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, Attn: Docket No. EP 759, 395 E Street SW, Washington, DC 20423–0001. Written comments and replies will be posted to the Board's website at *www.stb.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Fancher at (202) 245–0355. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice of proposed rulemaking (NPRM) arises, in part, as a result of the testimony and comments submitted in *Oversight Hearing on Demurrage & Accessorial Charges,* Docket No. EP 754. The Board commenced that docket by notice served on April 8, 2019, following concerns expressed by users of the freight rail network (rail users) [1] and other stakeholders about recent changes to demurrage and accessorial tariffs administered by Class I carriers, which the Board was actively monitoring. Specifically, in *Oversight Hearing on Demurrage & Accessorial Charges* (*April 2019 Notice*), EP 754, slip op. at 2 (STB served Apr. 8, 2019), the Board announced a May 22, 2019 public hearing, which was later extended to include a second day; [2] directed Class I carriers to appear at the hearing; and invited shippers, receivers, third-party logistics providers, and other interested parties to participate. The notice also directed Class I carriers to provide specific information on their demurrage and accessorial rules and charges and required all hearing participants to submit written testimony, both in advance of the hearing. *April 2019 Notice,* EP 754, slip op. at 2–4. Comments were also accepted from interested persons who would not be appearing at the hearing. The Board received over 90 pre-hearing submissions from interested parties; heard testimony over a two-day period from 12 panels composed of, collectively, over 50 participants; and received 36 post-hearing comments.

The purpose of the hearing was ''to receive information from railroads, shippers, receivers, third-party logistics providers, and other interested parties about their recent experiences with demurrage and accessorial charges, including matters such as reciprocity, commercial fairness, the impact of operational changes on such charges, capacity issues, and effects on network fluidity.'' *April 2019 Notice,* EP 754, slip op. at 2. The *April 2019 Notice* invited stakeholders to comment on, among other things, whether the tools available to manage demurrage and accessorial charges provide adequate data for shippers and receivers to evaluate whether charges are being properly assessed and to dispute the charges when necessary. *Id.* at 3. Participants in the hearing included railroads and rail users. Among the participants were third-party intermediaries, commonly known as warehousemen or terminal operators,[3] which accept freight cars for loading and unloading but have no property interest in the freight being transported. In oral testimony at the hearing and written submissions before and after the hearing, shippers and warehousemen (or their representatives) expressed dissatisfaction with their recent experiences with demurrage and accessorial charges. As is pertinent to this NPRM, parties from a broad range of industries raised concerns about demurrage billing practices, including issues with the receipt of invoices with insufficient information and issues arising from the experiences of warehousemen following the Board's adoption of the final rule in *Demurrage Liability* (*Demurrage Liability Final Rule*), EP 707 (STB served April 11, 2014), codified at 49 CFR part 1333.

The Board now proposes rules intended to address several issues with demurrage billing practices raised by many stakeholders. Specifically, the Board proposes: (1) Certain requirements regarding Class I carriers' demurrage invoices, such as minimum information to be included on or with those invoices, and (2) a requirement that Class I carriers send any demurrage invoice related to transportation involving a warehouseman to the shipper if the shipper and warehouseman have agreed to that arrangement and have so notified the rail carrier. The Board also invites comments on this proposal and any other measures that might be appropriate to help further clarify demurrage billing practices; to ensure that the party responsible for causing the delays that result in demurrage charges is the party that pays for such charges; and to promote timely resolution of related disputes.

Background

Demurrage is subject to Board regulation under 49 U.S.C. 10702, which requires railroads to establish reasonable rates and transportation-related rules and practices, and under 49 U.S.C. 10746, which requires railroads to compute demurrage charges, and establish rules related to those charges, in a way that will fulfill national needs related to freight car use and distribution and maintenance of an adequate car supply.[4] Demurrage is a charge that both compensates rail carriers for the expense incurred when rail cars are detained beyond a specified period of time (*i.e.,* ''free time'') for loading and unloading and serves as a

[1] As used in this proposed rule, the term ''rail users'' broadly means any person that receives rail cars for loading or unloading, regardless of whether that person has a property interest in the freight being transported.

[2] *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754, slip op. at 1 (STB served May 3, 2019).

[3] This NPRM uses the terms ''warehousemen'' or ''third-party intermediaries'' to refer to these entities.

[4] In *Demurrage Liability Final Rule,* EP 707, slip op. at 15–16, the Board clarified that private car storage is included in the definition of demurrage for purposes of the demurrage rules established in that decision. The Board uses the same definition of demurrage for purposes of this NPRM.

penalty for undue car detention to encourage the efficient use of rail cars in the rail network. *See* 49 CFR 1333.1; *see also* 49 CFR pt. 1201, category 106.[5]

In the simplest demurrage case, a railroad assesses demurrage on the consignor (the shipper of the goods) for delays in loading cars at origin and on the consignee (the receiver of the goods) for delays in unloading cars and returning them to the rail carrier at destination.[6] Demurrage can also, however, involve warehousemen that accept freight cars for loading and unloading but have no property interest in the freight being transported. Warehousemen are not typically owners of property being shipped (even though, by accepting the cars, they could be in a position to facilitate or impede car supply).

In addition to the concerns the Board heard about the adequacy of railroad demurrage invoices generally, the Board also heard—before, during, and after the hearing in Docket No. EP 754—concerns specific to warehousemen involving application of the Board's regulations at 49 CFR part 1333, which were adopted in 2014 in *Demurrage Liability,* Docket No. EP 707. Below, the Board provides a brief background of the rules at part 1333, summarizes pertinent comments relating to invoice issues, and proposes new regulations addressing these issues.

Overview of Docket No. EP 707

Before 2014, agency precedent had held that a tariff could not lawfully impose demurrage charges on a warehouseman that was not the owner of the freight, that was not named as a consignor or consignee in the bill of lading, and that was not otherwise party to the contract of transportation.[7] In the years prior to the Board instituting the proceeding in Docket No. EP 707, questions arose in the courts as to who should bear liability for demurrage charges when a warehouseman that detains rail cars for too long is named as consignee in the bill of lading, but asserts either that it did not know of its consignee status or that it affirmatively asked the shipper not to name it consignee. In instituting the proceeding in Docket No. EP 707, the Board noted that there was a split among the U.S. courts of appeals regarding that issue.[8] The Board reviewed those court decisions and determined that it needed to reexamine its policies to assist in providing clarification.

After reviewing the comments responding to an advance notice of proposed rulemaking and an NPRM, the Board issued its final rule in 2014. *Demurrage Liability Final Rule,* EP 707. Consistent with the NPRM, the final rule established that a person receiving rail cars for loading or unloading that detains the cars beyond the free time provided in the rail carrier's governing tariff may be held liable for demurrage if that person had actual notice, prior to rail car placement, of the demurrage tariff establishing such liability. *Id.* at 1, 17, 25.[9] Under the final rule, the identification of a party in the bill of lading no longer controls; as the Board explained, it was ''adopting a conduct-based approach to demurrage in lieu of one based on the bill of lading.'' *Id.* at 15. The Board explained that its rule was ''based on the theory that responsibility for demurrage should be placed on the party in the best position to expedite the loading or unloading of rail cars at origin or destination.'' *Id.* at 8. In response to comments asserting that ''warehousemen have no control over car movement as a result of railroad actions at the time of delivery or release,'' the Board said that ''warehousemen are free to bring a complaint to the Board if they believe that they have been unfairly charged demurrage.'' *Id.* at 8–9. In response to comments asserting that the actions of shippers might also deprive warehousemen of control over car movement, the Board said that ''these rules should encourage warehousemen and shippers to address demurrage liability in their commercial arrangements.'' *Id.* at 9.

Overview of Comments in Docket No. EP 754 Regarding Adequacy of Demurrage Invoices

Shippers, warehousemen, and railroads provided comments and/or testimony in Docket No. EP 754 regarding the adequacy of demurrage invoices generated by Class I carriers.

Shippers (or their representatives) stated repeatedly that invoices from some rail carriers often lack information needed to assess the validity of demurrage charges. For example, the National Coal Transportation Association (NCTA) said that ''invoices contain woefully inadequate documentation specific to the charges to allow assessment and evaluation of [the] validity of the charges,'' which ''increases the burden on the [s]hipper to document and track any remotely possible situation that might result in charges to allow a means for identifying and disputing charges applied.'' NCTA Comments 8–9, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754. The National Industrial Transportation League (NITL) said that ''some railroads have failed to include both the date and time that a car was constructively placed in demurrage or storage invoices, which also hinders efficient dispute resolution.'' NITL Comments 8, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754. The American Chemistry Council (ACC) asked the Board to ''establish minimum information requirements that enable shippers to audit demurrage and storage charges.'' ACC Comments 9, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

Likewise, several warehousemen (or their representatives) expressed dissatisfaction with the adequacy of demurrage invoices. Kinder Morgan Terminals (Kinder Morgan), a terminal operator, and the International Liquid Terminals Association (ILTA), an organization representing third-party intermediary liquid terminal operators, said in their written submissions and oral testimony that the demurrage invoices received from rail carriers do not include sufficient detail or information, making it difficult to challenge the charges or seek compensation from shippers when appropriate.

For example, in its May 8, 2019 written testimony, ILTA stated: Most terminals include clauses in their contracts requiring shippers to pay any demurrage fees that were incurred by no fault of the terminal operators. However, terminal operators now

[5] Accessorial charges are not specifically defined by statute or regulation but are generally understood to include charges other than line-haul and demurrage charges. *See Revisions to Arbitration Procedures,* EP 730, slip op. at 7–8 (STB served Sept. 30, 2016) (describing a variety of charges that are considered accessorial charges).

[6] As the Board noted in *Demurrage Liability Final Rule,* EP 707, slip op. at 2 n.2, the Interstate Commerce Act, as amended by the ICC Termination Act of 1995 (ICCTA), Pub. L. 104–88, 109 Stat. 803 (1995), does not define ''consignor'' or ''consignee,'' though both terms are commonly used in the demurrage context. Black's Law Dictionary defines ''consignor'' as ''[o]ne who dispatches goods to another on consignment,'' and ''consignee'' ''as [o]ne to whom goods are consigned.'' *Id.* (citing Black's Law Dictionary 327 (8th ed. 2004)). The Federal Bills of Lading Act defines these terms in a similar manner. *Demurrage Liability Final Rule,* EP 707, slip op. at 2 n.2 (citing 49 U.S.C. 80101(1) & (2)).

[7] *See Responsibility for Payment of Detention Charges, E. Cent. States* (*Eastern Central*), 335 I.C.C. 537, 541 (1969) (involving liability for detention, the motor carrier equivalent of demurrage), *aff'd, Middle Atl. Conference* v. *United States* (*Middle Atlantic*), 353 F. Supp. 1109, 1114–15 (D.D.C. 1972).

[8] *Demurrage Liability,* EP 707, slip op. at 4–5 (STB served Dec. 6, 2010) (citing *CSX Transp. Co.* v. *Novolog Bucks Cty.,* 502 F.3d 247 (3d Cir. 2007) & *Norfolk S. Ry.* v. *Groves,* 586 F.3d 1273 (11th Cir. 2009)).

[9] The Board also clarified that the provisions of 49 U.S.C. 10743, titled ''Liability for payment of rates,'' apply to rail carriers' line-haul rates but not to rail carriers' charges for demurrage. *Demurrage Liability Final Rule,* EP 707, slip op. at 10.

often find they are unable to verify the basic validity of demurrage charges levied on them by the railroad, making it impractical to compel shippers to reimburse them for the charges.

The demurrage invoices provided by the railroads to terminals include railcars related to numerous shippers. The limited detail provided makes it difficult or even impossible to determine which specific railcars and shippers were at issue in each case of demurrage. The individual shippers are often not listed, and the railcars and commodities are frequently in error. While the railroads have access to the appropriate information related to the demurrage charges, the terminal—lacking a contractual relationship with the railroad—has no access to information it would need to confirm or dispute the charges.

ILTA Comments 1–2, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754; *see also* Oral Test. of Kathryn Clay, Tr. of Oversight Hr'g on Demurrage & Accessorial Charges (Hr'g Tr.) 792, May 23, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754 (''in practice, . . . we lack the detailed information to make clear that that charge belongs to that shipper, of the many shippers that might be on the terminal.'').

Similarly, Kinder Morgan stated that demurrage invoices issued to warehousemen are inadequate to allow warehousemen to allocate costs to shippers:

The railroads send numerous pages of computer-generated invoices each month. The invoices are not separated by railroad customer, and in fact do not identify the individual shippers associated with the shipment, significantly impeding Kinder Morgan's ability to orderly review and attempt to pass through charges to our responsible customers. Reviewing each of the numerous line items for billing and car errors imposes significant costs and burdens on receivers for tariff compliance, review, and objection. Moreover, to adequately review the invoices, a party receiving the bills needs additional train movement and other traffic data which the railroads do not make public.

Kinder Morgan Comments 17–18, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

Rail carriers generally asserted that their customers have access to the information they need to assess the basis of demurrage charges, either in the invoices or in other tools that the rail carriers offer. For example, CSX Transportation, Inc. (CSXT), stated that it ''does not have the current technology in place'' to provide the date and time of constructive placement on individual invoices but instead makes the information available through its ShipCSX tool. CSXT Suppl. 12, June 6, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754. CSXT added, however, that it ''recognizes the value of providing this information on invoices'' and is ''actively exploring the feasibility of adding placement times to invoices.'' *Id.* at 12–13. Similarly, BNSF Railway Company (BNSF) said that its Customer Demurrage Management Tool permits customers to see ''underlying operational details'' of demurrage charges ''such as time of actual and constructive placement.'' BNSF Comments 6, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

Overview of Comments Regarding Issuance of Demurrage Invoices Directly to Shippers Instead of Warehousemen

The warehousemen (or their representatives) also addressed the circumstances under which, in their view, a rail carrier should bill shippers directly for demurrage without requiring warehousemen to assume responsibility for any charges left unpaid by the shipper. Some cited the regulations previously adopted by the Board in Docket No. EP 707 as the source of their inability to effectively address the problems described in their submissions.

Kinder Morgan asked the Board to clarify that, if requested by a shipper and warehouseman, a rail carrier ''shall agree to bill the shipper directly for demurrage, and without requiring the [warehouseman] to assume responsibility for any unpaid demurrage assessments as a condition of such agreement.'' Kinder Morgan Comments 4, 19, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754. Kinder Morgan characterizes this as ''an important matter that has effectively gridlocked reasonable discussion and resolution of individual disputes.'' *Id.* at 4. After the hearing, Kinder Morgan sent letters to each of the Class I carriers asking them to agree voluntarily ''that, if requested by a shipper and Kinder Morgan, the railroad will (i) provide separate invoices for each shipper that controls a railcar on which a demurrage charge is sought to be assessed, and (ii) agree to bill the shipper directly for demurrage, without requiring Kinder Morgan to assume responsibility for any unpaid demurrage assessments as a condition of such agreement.'' Kinder Morgan Comments 2, Attach. 2, June 6, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

In response to Kinder Morgan's letters,[10] some of the rail carriers expressed a willingness to bill the shipper directly, but none said that they would do so without requiring Kinder Morgan to assume responsibility for unpaid amounts. For example, BNSF said that it already honors Kinder Morgan's request to bill shippers directly, but it ''looks to Kinder Morgan as the receiving facility for payment.'' Kinder Morgan Comments, Attach. 3 at 1–2, June 6, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.[11] Similarly, CN explained that it has been working with Kinder Morgan to explore whether such agreements were ''feasible,'' but in the ''few instances where Kinder Morgan's smaller customers express interest, Kinder Morgan refused CN's request that Kinder Morgan be responsible in the event its customer did not pay the demurrage invoice.'' *Id.,* Attach. 3 at 13. Moreover, several of the rail carriers indicated that there are downsides to Kinder Morgan's proposal. For example, BNSF said that ''[p]arsing out which bills go to which shippers/Kinder Morgan facilities is a highly manual job for BNSF personnel'' that BNSF has ''undertaken in good faith and in an effort to work with Kinder Morgan and Kinder Morgan's customers.'' *Id.,* Attach. 3 at 1. KCS said that Kinder Morgan's ''requested change involves multiple parties and may result in complications to other parties beyond a specific shipper and Kinder Morgan.'' *Id.,* Attach. 3 at 17. CN cast doubt on the willingness of most shippers to agree to direct billing, noting that it had explored this option with Kinder Morgan and its shippers, but ''[d]espite the efforts of the parties, most of Kinder Morgan's customers either refused or did not respond.'' *Id.,* Attach. 3 at 13.

ILTA also argued that direct billing of shippers is a possible solution, but it said that terminal operators, shippers,

[10] Responses from BNSF, Canadian National Railway Company (CN), Canadian Pacific, CSXT, and Kansas City Southern Railway Company (KCS) are attached, as Attachment 3, to Kinder Morgan's comment dated June 6, 2019 in Docket No. EP 754. Union Pacific Railroad Company (UP) filed its response to Kinder Morgan in Docket No. EP 754 on June 6, 2019 (filing ID 247898).

[11] BNSF's letter added:

From February 2016 to May 2019, at Kinder Morgan's request, BNSF billed Kinder Morgan shippers approximately $3.4M out of a total of approximately $5.4M in demurrage charges incurred at Kinder Morgan terminals; the remaining $2M in charges were invoiced directly to Kinder Morgan entities who presumably own the receiving locations, and those Kinder Morgan entities paid $1.96M of the charges.

Kinder Morgan Comments, Attach. 3 at 1, June 6, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

and railroads had been unable to reach an agreement along these lines:

> In other cases, terminal operators have joined with shipping customers in asking the railroads to return to the previous practice of assessing demurrage charges to the shipping customer, with whom they have a direct contractual relationship. Unfortunately, to our knowledge, none of these negotiations have met with success.

ILTA Comments 2, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754. At the hearing, ILTA expressed the view that ''the shipping community would welcome a return'' to direct billing of shippers, adding: ''I know that our terminal members that have gone to their shippers and have asked them, would you go with us to the railroad and ask them to return to the practice of billing directly, when asked [the shippers] have been willing to do that.'' Oral Test. of Kathryn Clay, Hr'g Tr. 800, May 23, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

Proposed Changes

The Board proposes two changes to its existing demurrage regulations. *First,* the Board proposes certain requirements regarding Class I carriers' demurrage invoices, such as minimum information to be included on or with those invoices, that would enable invoice recipients to verify the validity of the demurrage charges; that would permit shippers and warehousemen to properly allocate demurrage responsibility amongst themselves; and that would assist shippers and receivers in determining how to modify their behavior to encourage the efficient use of rail assets, thereby fulfilling the purpose of demurrage. *Second,* the Board proposes a requirement for Class I carriers that if a shipper and warehouseman agree that the shipper should be responsible for paying demurrage invoices, the rail carrier must, upon receiving notice of that agreement, send the invoices directly to the shipper, and not require the warehouseman to guarantee payment.

A. Requirements for Demurrage Invoices

The overarching purpose of demurrage is to encourage the efficient use of rail assets (both equipment and track) by holding rail users accountable when their actions or operations use those resources beyond a specified period of time. *See, e.g., Pa. R.R.* v. *Kittanning Iron & Steel Mfg. Co.,* 253 U.S. 319, 323 (1920) (''The purpose of demurrage charges is to promote car efficiency by penalizing undue detention of cars.''). If demurrage invoices are so vague that they effectively preclude shippers from determining what happened, then shippers are unable to challenge the invoices if they believe the demurrage charges were improper or to take appropriate actions to avoid future demurrage charges if they were responsible for the delays.

The same holds true for warehousemen. Warehousemen, which typically work with multiple shippers, argued in Docket Nos. EP 707 and EP 754 that they should be able to pass the costs on to shippers (without resorting to litigation) when the shippers were the cause of the delay.[12] In issuing the final rule in EP 707, the Board encouraged warehousemen and shippers to address demurrage liability in their commercial arrangements (which, the Board notes, would enable the party responsible for the delay to modify its actions). *Demurrage Liability Final Rule,* EP 707, slip op. at 9 (''[w]ith respect to actions by shippers, these rules should encourage warehousemen and shippers to address demurrage liability in their commercial arrangements''). Yet, if railroad billing practices effectively preclude the warehouseman from knowing which rail cars were involved or otherwise determining the cause for the demurrage charge, the responsible party may not be incentivized to modify its actions, and the demurrage charges may not achieve their purpose.

Accordingly, the Board proposes a requirement applicable to Class I carriers that the following minimum information be provided on or with any demurrage invoices:[13]

- The unique identifying information (*e.g.,* reporting marks and number) of each car involved;
- The following shipment information, where applicable:
  - The date the waybill was created;
  - The status of each car as loaded or empty;
  - The commodity being shipped (if the car is loaded);
  - The identity of the shipper, consignee, and/or care-of party, as applicable;
  - The origin station and state of the shipment;
- The dates and times of (1) actual placement of each car, (2) constructive placement of each car (if applicable and different from actual placement), (3) notification of constructive placement to the shipper, consignee, or third-party intermediary (if applicable), and (4) release of each car; and
- The number of credits and debits attributable to each car (if applicable). In addition, the Board proposes that prior to sending a demurrage invoice, Class I carriers shall take appropriate action to ensure that the demurrage charges are accurate and warranted,[14] consistent with the purpose of demurrage.

These proposed requirements are intended to ensure that the recipients of demurrage invoices will be provided sufficient information to readily assess the validity of those charges without having to undertake an unreasonable effort to gather information that can be provided by the railroad in the first instance, to properly allocate demurrage responsibility, and to modify their behavior if their own actions led to the demurrage charges.[15] The Board expects that rail carriers have access to this information because it is used in the ordinary course of business.

The Board does not propose at this time to require Class II or Class III

[12] *See, e.g.,* Kinder Morgan Comments 9, Aug. 24, 2012, *Demurrage Liability,* EP 707 (arguing that the rule would make railroads more likely to bill warehousemen for demurrage ''even when the shipper is the party at fault''); ILTA Comments 4, Aug. 24, 2012, *Demurrage Liability,* EP 707 (arguing that the rule would be inconsistent with the principle that ''[t]he party that causes the delay should be the party that is held liable for payment of the demurrage charge''); Kinder Morgan Comments 11–12, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754 (providing an example of a railroad billing Kinder Morgan even though, according to Kinder Morgan, the shipper was responsible for the delay); ILTA Comments 1, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754 (arguing that the rule makes it ''impractical to compel shippers to reimburse'' warehousemen for demurrage charges).

[13] The Board invites comment on the extent to which other billing or supply chain visibility tools or platforms (other than an invoice or documentation accompanying an invoice) that provide rail users with access to this information would satisfy this requirement.

[14] Shippers and receivers have raised concerns about demurrage charges that are difficult, time-consuming, and costly to dispute; invoices that include inaccurate information; and erroneous invoices that are issued even when the tariff expressly provides for relief or the rail carrier has acknowledged its responsibility for the problem. *See, e.g.,* NCTA Comments 8–9, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754; NITL Comments 8, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754; Packaging Corporation of America Comments 4–5,7–8, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754; Brainerd Chemical Company Comments 4, May 8, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754; International Paper Comments 4, May 7, 2019, *Oversight Hearing on Demurrage & Accessorial Charges,* EP 754.

[15] The Board notes that ''[w]here a railroad has initiated a proceeding to collect assessed demurrage charges, it has the burden of proof and therefore must provide evidence to establish actual or constructive dates of car placement and release and to show how the assessed charges were computed.'' *Utah Cent. Ry.—Pet. for Declaratory Order—Kenco Logistic Servs., LLC,* FD 36131, slip op. at 6 n.13 (STB served Mar. 20, 2019) (citing *R.R. Salvage & Restoration, Inc. —Pet. for Declaratory Order—Reasonableness of Demurrage Charges,* NOR 42102 et al., slip op. at 6 (STB served July 20, 2010)).

carriers to comply with the requirements for demurrage invoices described above, as the issues identified before, during, and after the hearing predominantly pertained to Class I carriers, and given that any compliance costs may be more difficult for some smaller rail carriers. Should the rule be adopted, the Board would strongly encourage Class II and Class III carriers to comply with these requirements to the extent they are capable of doing so.

The Board invites comment on this proposal, including the exclusion of Class II and Class III carriers. The Board also specifically invites comment on whether there is additional information that rail carriers could reasonably provide on or with demurrage invoices and that would enable recipients to more effectively evaluate those invoices.

B. Issuing Demurrage Invoices Directly to Shippers Instead of Warehousemen

The Board also proposes a requirement that serving Class I carriers send demurrage invoices directly to the shipper instead of the warehouseman if the shipper and warehouseman agree to such an arrangement and notify the rail carrier of the agreement. As noted above, the Board's rules at part 1333, adopted in *Demurrage Liability Final Rule,* EP 707, reflect the view that demurrage charges should be borne by the party responsible for the delay, which, in some cases, may be the shipper rather than the warehouseman, as the Board was informed during the EP 754 proceeding. But the Board also notes that warehousemen and shippers are in the best position to determine which party should bear responsibility for demurrage charges, and they should be able to make agreements for payment of demurrage charges that reflect this determination. Imposing the charges on the responsible party would incentivize that party to modify its actions in a way that promotes the efficient use of rail assets, thereby fulfilling the purpose of demurrage. Because such arrangements better effectuate the purpose of demurrage, the Board proposes a requirement that Class I carriers send demurrage invoices to the shipper when the shipper and warehouseman agree to such an arrangement and inform the rail carrier of the agreement. When an invoice is sent to the shipper rather than the warehouseman, the railroad may not require the warehouseman to guarantee payment.[16]

Although this proposed rule would amend the Board's current regulations to *require* Class I carriers to issue invoices to shippers and to treat shippers as the ultimate guarantors of payment (when the shipper and warehouseman agree to that arrangement and have so notified the rail carrier), the Board points out that rail carriers are already *permitted* to do so under the current rule. Neither the letter nor the purpose of the rules at part 1333 is inconsistent with a rail carrier billing the shipper directly without requiring the warehouseman to assume responsibility for any unpaid demurrage. The rule adopted in Docket No. EP 707 states, in permissive terms, that parties who receive cars ''*may* be held liable for demurrage,'' *see* 49 CFR 1333.3 (emphasis added), and the Board expressly stated in the final rule that the demurrage liability rules promulgated in that docket ''are default rules only, meant to govern demurrage in the absence of a privately negotiated contract.'' *Demurrage Liability Final Rule,* EP 707, slip op. at 25.

For the same reasons described above regarding the requirements for demurrage invoices, the Board does not propose at this time to require Class II or Class III carriers to comply with the requirement that the rail carrier must bill the shipper when the shipper and warehouseman have agreed to that arrangement and have so notified the rail carrier. The Board invites comment on this proposal, including the exclusion of Class II and Class III carriers.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities, (2) analyze effective alternatives that may minimize a regulation's impact, and (3) make the analysis available for public comment. Sections 601–604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, section 603(a), or certify that the proposed rule would not have a ''significant impact on a substantial number of small entities,'' section 605(b). Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates those entities. The impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop.* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

The proposed rule would not have a significant impact on a substantial number of small entities within the meaning of the RFA.[17] The Board's proposal is limited to Class I carriers. Accordingly, the Board certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities as defined by the RFA. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3521, Office of Management and Budget (OMB) regulations at 5 CFR 1320.8(d)(3), and the Appendix, the Board seeks comments about the impact of the revisions in the proposed rules to the currently approved collection of the Demurrage Liability Disclosure Requirements (OMB Control No. 2140–0021) regarding: (1) Whether the collection of information, as modified in the proposed rule and further described below, is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate.

The proposed rules would modify the hourly burden in the existing, approved information collection in three ways. First, the Board estimates that the proposed invoicing requirements for Class I carriers would add a total one-

[16] The shipper is, after all, the party shown on the bill of lading, and indeed the one that was historically responsible for demurrage. The claim that someone else should guarantee that shippers pay their bills is unsound in law and policy.

[17] For the purpose of RFA analysis, the Board defines a ''small business'' as only including those rail carriers classified as Class III carriers under 49 CFR 1201.1–1. *See Small Entity Size Standards Under the Regulatory Flexibility Act,* EP 719 (STB served June 30, 2016) (with Board Member Begeman dissenting). Class III carriers have annual operating revenues of $20 million or less in 1991 dollars ($39,194,876 or less when adjusted for inflation using 2018 data). Class II carriers have annual operating revenues of less than $250 million in 1991 dollars ($489,935,956 when adjusted for inflation using 2018 data). The Board calculates the revenue deflator factor annually and publishes the railroad revenue thresholds on its website. 49 CFR 1201.1–1; *Indexing the Annual Operating Revenues of R.Rs.,* EP 748 (STB served June 14, 2019).

time hour burden of 280 hours (or 93.3 hours per year as amortized over three years) for Class I carriers because, in most cases, those carriers would likely need to modify their billing systems to implement some or all of these changes. Second, the requirement that Class I carriers take appropriate action to ensure that demurrage charges are accurate and warranted would likely require Class I carriers to establish or modify appropriate demurrage invoicing protocols and procedures and would add an estimated total one-time hour burden of 560 hours (or 186.7 hours per year as amortized over three years). Third, the Board estimates that the proposed invoicing requirement that Class I carriers invoice demurrage involving a warehouseman to the shipper if the shipper and warehouseman have agreed to that arrangement and have so notified the rail carrier would add an annual hour burden of 35 hours. All other hour burdens would remain the same as before this modification (except for an update to the number of non-Class I carriers and to the estimate of how frequently Class I carriers choose to update their demurrage tariffs, as reflected in the Appendix). The Board welcomes comment on the estimates of actual time and costs of its proposed invoicing requirements for Class I carriers, as detailed below in the Appendix. The proposed rules will be submitted to OMB for review as required under 44 U.S.C. 3507(d) and 5 CFR 1320.11. Comments received by the Board regarding the information collection will also be forwarded to OMB for its review when the final rule is published.

List of Subjects in 49 CFR Part 1333

Penalties, Railroads.

It is ordered:

1. The Board proposes to amend its rules as set forth in this decision. Notice of the proposed rules will be published in the **Federal Register**.

2. Comments are due by November 6, 2019. Reply comments are due by December 6, 2019.

3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

4. This decision is effective on its service date.

Decided: October 4, 2019.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Kenyatta Clay,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1333 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1333—DEMURRAGE LIABILITY

■ 1. The authority citation for part 1333 continues to read as follows:

Authority: 49 U.S.C. 1321

■ 2. In § 1333.3, redesignate the existing text as paragraph (a) and add paragraph (b) to read as follows:

§ 1333.3 Who Is Subject to Demurrage

(a) * * *

(b) If the rail cars are delivered to a third-party intermediary that has reached an agreement with a shipper (or consignee) that the shipper (or consignee) shall be liable for demurrage, then the serving Class I carrier shall, after being notified of the agreement by the shipper, consignee, or third-party intermediary, bill the shipper (or consignee) for demurrage charges without requiring the third-party intermediary to act as a guarantor, unless and until a party to the agreement notifies the serving Class I carrier that the agreement is no longer in force.

■ 3. Add § 1333.4 to read as follows:

§ 1333.4 Requirements for Demurrage Invoices

(a) The following information shall be provided on or with any demurrage invoices issued by Class I carriers:

(1) The unique identifying information (*e.g.,* reporting marks and number) of each car involved;

(2) The following information, where applicable:

(i) The date the waybill was created;

(ii) The status of each car as loaded or empty;

(iii) The commodity being shipped (if the car is loaded);

(iv) The identity of the shipper, consignee, and/or care-of party, as applicable; and

(v) The origin station and state of the shipment;

(3) The dates and times of:

(i) Actual placement of each car,

(ii) Constructive placement of each car (if applicable and different from actual placement),

(iii) Notification of constructive placement to the shipper or third-party intermediary (if applicable); and

(iv) Release of each car; and

(4) The number of credits and debits attributable to each car (if applicable).

(b) Prior to sending a demurrage invoice, Class I carriers shall take appropriate action to ensure that the demurrage charges are accurate and warranted.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix

Information Collection

Title: Demurrage Liability Disclosure Requirements.

OMB Control Number: 2140–0021.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Summary: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (Board) gives notice that it is requesting from the Office of Management and Budget (OMB) approval for the revision of the currently approved information collection, Demurrage Liability Disclosure Requirements, OMB Control No. 2140–0021. The requested revision to the currently approved collection is necessitated by this NPRM, which proposes to add certain requirements regarding Class I carriers' demurrage invoices, as well as to require that Class I carriers directly bill the shipper if the shipper and warehouseman agree to that arrangement and have so notified the rail carrier. All other information collected by the Board in the currently approved collection is without change from its approval, except for an update to the number of non-Class I carriers (currently expiring on June 30, 2020).

Respondents: Freight railroads subject to the Board's jurisdiction.

Number of Respondents: 684 (including seven Class I [*i.e.,* large] carriers).

Estimated Time per Response: The estimated hour burden for demurrage liability notices for new customers remains one hour per notice. The modification to Class I carriers' invoicing requirements sought here is an estimated annualized one-time hour burden—resulting from an adjustment to the seven Class I carriers' billing systems—of 40 hours per railroad. The modification requiring Class I carriers to take appropriate action to ensure that the demurrage invoices are accurate and warranted is an estimated annualized one-time hour burden of 80 hours. The modification requiring Class I carriers to invoice the shipper when the warehouseman and the shipper reach agreement for the serving Class I carrier to invoice the shipper is an estimated annual hour burden of five minutes per agreement.

Frequency: On occasion. The existing demurrage liability disclosure requirement is triggered in two circumstances: (1) When a shipper

initially arranges with a railroad for transportation of freight pursuant to the rail carrier's tariff; or (2) when a rail carrier changes the terms of its demurrage tariff. The modification sought here makes three changes to the existing collection, as follows: (1) One-time adjustments to the Class I railroads' billing systems to (a) include information on demurrage invoices, (b) to take appropriate action to ensure that the demurrage invoices are accurate and warranted, and (2) make an annual adjustment to the Class I carriers' invoicing practices to invoice the shipper when the warehouseman and the shipper reach agreement for the serving Class I carrier to invoice the shipper (estimated 60 agreements).

Total Burden Hours (annually including all respondents): 1,329.7 hours. Consistent with the existing, approved information collection, Board staff estimates that: (1) Seven Class I carriers would each take on 15 new customers each year (105 hours); (2) each of the seven Class I carriers would update its demurrage tariffs annually (7 hours); (3) 677 non-Class I carriers would each take on one new customer a year (677 hours); and (4) each of the non-Class I carriers would update its demurrage tariffs every three years (225.7 hours annualized). For the modification to Class I carriers' invoicing requirements, Board staff estimates that, on average, each Class I rail carrier would have a one-time burden of 40 hours (280 total hours). Amortized over three years, this one-time burden equals 93.3 hours per year. For the modification requiring each Class I carrier to ensure that the demurrage charges are accurate and warranted, Board staff estimates that, on average, each Class I carrier would have a one-time burden of 80 hours (560 total hours) to establish or modify appropriate protocols and procedures. Amortized over three years, this one-time burden equals 186.7 hours per year. For the modification adding a shipper invoicing requirement when a warehouseman and shipper have agreed and notified the Class I carrier, Board staff estimates that annually seven Class I carriers would each receive 60 requests per year for additional shipper invoices at five minutes per invoice (35 hours).

The total hour burdens are also set forth in the table below.

TABLE—TOTAL BURDEN HOURS

[per year]

Respondents	Existing annual burden (hours)	Existing annual update burden (hours)	Estimated one-time burden for additional data (hours)	Estimated one-time burden for appropriate protocols (hours)	Estimated annual burden for invoicing agreement (hours)	Total yearly burden hours
7 Class I Carriers	105	7	93.3	186.7	35	427
677 Non-Class I Carriers	677	225.7				902.7
Totals	782	232.7	93.3	186.7	35	1,329.7

Total ''Non-hour Burden'' Cost: There are no other costs identified because filings are submitted electronically to the Board.

Needs and Uses: Demurrage is a charge that railroads assess their customers for detaining rail cars beyond a specified amount of time. It both compensates railroads for expenses incurred for that rail car and serves as a penalty for undue car detention to promote efficiency. Demurrage is subject to the Board's jurisdiction under 49 U.S.C. 10702 and section 10746.

A railroad and its customers may enter into demurrage contracts without providing notice, but, in the absence of such contracts, demurrage will be governed by the railroad's demurrage tariff. Under 49 CFR 1333.3, a railroad's ability to charge demurrage pursuant to its tariff is conditional on its having given, prior to rail car placement, actual notice of the demurrage tariff to the person receiving rail cars for loading and unloading. Once a shipper receives a notice as to a particular tariff, additional notices are required only when the tariff changes materially. The parties rely on the information in the demurrage tariffs to avoid demurrage disputes, and the Board uses the tariffs to adjudicate demurrage disputes that come before the agency.

As described in more detail above in the NPRM, the Board is amending the rules that apply to this collection of demurrage disclosure requirements to require the inclusion of additional information in the billing invoices issued by Class I carriers, to require Class I carriers to ensure that demurrage charges are accurate and warranted, and to require Class I carriers to invoice the shipper when the warehouseman and the shipper reach agreement for the Class I carrier to do so. The collection by the Board of this information, and the agency's use of this information, enables the Board to meet its statutory duties.

[FR Doc. 2019–22202 Filed 10–11–19; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2019–0004; FF09M21200–189–FXMB1231099BPP0]

RIN 1018–BD89

Migratory Bird Hunting; Proposed 2020–21 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of supplemental information.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service or we) proposes to establish annual hunting regulations for certain migratory game birds for the 2020–21 hunting season. We annually prescribe outside limits (frameworks) within which States may select hunting seasons. This proposed rule provides the regulatory schedule, announces the Service Migratory Bird Regulations Committee (SRC) meetings, describes the proposed regulatory

alternatives for the 2020–21 duck hunting seasons, and requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands. Migratory bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

DATES: *Comments:* You may comment on the general harvest strategy and the proposed regulatory alternatives for the 2020–21 season until November 15, 2019. Following subsequent **Federal Register** documents, you will be given an opportunity to submit comments on the proposed frameworks by January 15, 2020. Tribes must submit proposals and related comments on or before December 1, 2019.

Meetings: The SRC will conduct a meeting on October 8–9, 2019, to consider and develop proposed regulations for the 2020–21 migratory game bird hunting seasons. Meetings on both days are open to the public and will commence at approximately 8:00 a.m.

ADDRESSES: You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2019–0004.
- *U.S. Mail or Hand-Delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2019–0004; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041.

We will not accept emailed or faxed comments. We will post all comments on *http://www.regulations.gov.* This generally means that your entire submission—including any personal identifying information—will be posted on the website. See the Public Comments section, below, for more information.

Meetings: The October 8–9, 2019, SRC meeting will be at the U.S. Fish and Wildlife Service, 5600 American Boulevard, Bloomington, MN 55437.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel at: Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041; (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Process for the Annual Migratory Game Bird Hunting Regulations

Beginning in the summer of 2015, with the development of the 2016–17 hunting seasons, we now make decisions for migratory bird harvest management based on predictions derived from long-term biological information and established harvest strategies. Under this process, we develop proposed hunting season frameworks for a given year in the fall of the prior year. We then finalize those frameworks a few months later, thereby enabling the State agencies to select and publish their season dates in early summer. This proposed rule is the first in a series of proposed and final rulemaking documents for the establishment of the 2020–21 hunting seasons.

Background and Overview

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior is authorized to determine when ''hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any * * * bird, or any part, nest, or egg'' of migratory game birds can take place, and to adopt regulations for this purpose. These regulations are written after giving due regard to ''the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds'' and are updated annually (16 U.S.C. 704(a)). This responsibility has been delegated to the Service as the lead Federal agency for managing and conserving migratory birds in the United States. However, migratory game bird management is a cooperative effort of State, Tribal, and Federal governments.

The Service develops migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. Acknowledging regional differences in hunting conditions, the Service has administratively divided the Nation into four Flyways for the primary purpose of managing migratory game birds. Each Flyway (Atlantic, Mississippi, Central, and Pacific) has a Flyway Council, a formal organization generally composed of one member from each State and Province in that Flyway. The Flyway Councils, established through the Association of Fish and Wildlife Agencies, also assist in researching and providing migratory game bird management information for Federal, State, and Provincial governments, as well as private conservation entities and the general public.

The process for adopting migratory game bird hunting regulations, located in title 50 of the Code of Federal Regulations (CFR) at part 20, is constrained by three primary factors. Legal and administrative considerations dictate how long the rulemaking process will last. Most importantly, however, the biological cycle of migratory game birds controls the timing of data-gathering activities and thus the dates on which these results are available for consideration and deliberation. For the regulatory cycle, Service biologists gather, analyze, and interpret biological survey data and provide this information to all those involved in the process through a series of published status reports and presentations to Flyway Councils and other interested parties. Because the Service is required to take abundance of migratory game birds and other factors into consideration, the Service undertakes a number of surveys throughout the year in conjunction with Service Regional Offices, the Canadian Wildlife Service, and State and Provincial wildlife-management agencies. To determine the appropriate frameworks for each species, we consider factors such as population size and trend, geographical distribution, annual breeding effort, condition of breeding and wintering habitat, number of hunters, and anticipated harvest. After frameworks are established for season lengths, bag limits, and areas for migratory game bird hunting, States may select season dates, bag limits, and other regulatory options for the hunting seasons. States may always be more conservative in their selections than the Federal frameworks, but never more liberal.

Service Migratory Bird Regulations Committee Meetings

The SRC conducted an open meeting on April 23, 2019, to discuss preliminary issues for the 2020–21 regulations, and will conduct another meeting on October 8–9, 2019 to review information on the current status of migratory game birds and develop 2020–21 migratory game bird regulations recommendations for these species. In accordance with Departmental policy, these meetings are open to public observation. You may submit written comments to the Service on the matters discussed. See **DATES** and **ADDRESSES** for information about these meetings.

Notice of Intent To Establish Open Seasons

This document announces our intent to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 2020–21 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20. For the 2020–21 migratory game bird hunting season, we will propose regulations for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). We describe these proposals under Proposed 2020–21 Migratory Game Bird Hunting Regulations (Preliminary) in this document. We annually publish definitions of flyways and management units, and a description of the data used in and the factors affecting the regulatory process (see June 4, 2018, **Federal Register** (83 FR 25738) for the latest definitions and descriptions).

Regulatory Schedule for 2020–21

This document is the first in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations. We will publish additional supplemental proposals for public comment in the **Federal Register** as population, habitat, harvest, and other information become available. Major steps in the 2020–21 regulatory cycle relating to open public meetings and **Federal Register** notifications are illustrated in the diagram at the end of this proposed rule. All publication dates of **Federal Register** documents are target dates. All sections of this and subsequent documents outlining hunting frameworks and guidelines are organized under numbered headings. These headings are:

1. Ducks
   A. General Harvest Strategy
   B. Regulatory Alternatives
   C. Zones and Split Seasons
   D. Special Seasons/Species Management
   i. September Teal Seasons
   ii. September Teal/Wood Duck Seasons
   iii. Eastern Mallards
   iv. Black Ducks
   v. Canvasbacks
   vi. Pintails
   vii. Scaup
   viii. Mottled Ducks
   ix. Wood Ducks
   x. Youth Hunt
   xi. Mallard Management Units
   xii. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   A. Special Early Seasons
   B. Regular Seasons
   C. Special Late Seasons
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Doves
17. Alaska
18. Hawaii
19. Puerto Rico
20. Virgin Islands
21. Falconry
22. Other

Later sections of this and subsequent documents will refer only to numbered items requiring your attention. Therefore, it is important to note that we will omit those items requiring no attention, so remaining numbered items will be discontinuous, making the list appear incomplete.

The proposed regulatory alternatives for the 2020–21 duck hunting seasons are contained at the end of this document. We plan to publish final duck regulatory alternatives and proposed season frameworks in mid-December 2019. We plan to publish final season frameworks in late February 2020.

Review of Public Comments

This proposed rulemaking contains the proposed regulatory alternatives for the 2020–21 duck hunting seasons. This proposed rulemaking also describes other recommended changes or specific preliminary proposals that vary from the 2019–20 regulations and issues requiring early discussion, action, or the attention of the States or tribes. We will publish responses to all proposals and written comments when we develop final frameworks for the 2020–21 season. We seek additional information and comments on this proposed rule.

Consolidation of Rulemaking Documents

For administrative purposes, this document consolidates the notice of our intent to establish open migratory game bird hunting seasons and the request for tribal proposals with the preliminary proposals for the annual hunting regulations-development process. We will publish the remaining proposed and final rulemaking documents separately. For inquiries on tribal guidelines and proposals, tribes should contact: Tina Chouinard, U.S. Fish and Wildlife Service, 606 Browns Church Road, Jackson, TN 38305; 731–432–0981; *tina_chouinard@fws.gov.*

Requests for Tribal Proposals

Background

Beginning with the 1985–86 hunting season, we have employed guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467) to establish special migratory game bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. We developed these guidelines in response to tribal requests for our recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates, season length, and daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, tribal regulations established under the guidelines must be consistent with the annual March 11 to August 31 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Convention). The guidelines are applicable to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also may be applied to the establishment of migratory game bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife-management authority over such hunting, or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory game bird hunting by nonmembers on Indian-owned reservation lands, subject to our approval. The question of jurisdiction is

more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing migratory bird hunting by non-Indians on these lands. In such cases, we encourage the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands. It is incumbent upon the tribe and/or the State to request consultation as a result of the proposal being published in the **Federal Register**. We will not presume to make a determination, without being advised by either a tribe or a State, that any issue is or is not worthy of formal consultation.

One of the guidelines provides for the continuation of tribal members' harvest of migratory game birds on reservations where such harvest is a customary practice. We do not oppose this harvest, provided it does not take place during the closed season required by the Convention, and it is not so large as to adversely affect the status of the migratory game bird resource. Since the inception of these guidelines, we have reached annual agreement with tribes for migratory game bird hunting by tribal members on their lands or on lands where they have reserved hunting rights. We will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members. Tribes should not view the guidelines as inflexible. These guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while also ensuring that the migratory game bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Details Needed in Tribal Proposals

Tribes that wish to use the guidelines to establish special hunting regulations for the 2020–21 migratory game bird hunting season should submit a proposal that includes: (1) The requested migratory game bird hunting season dates and other details regarding the proposed regulations; (2) harvest anticipated under the proposed regulations; and (3) tribal capabilities to enforce migratory game bird hunting regulations. For those situations where it could be shown that failure to limit tribal harvest could seriously impact the migratory game bird resource, we also request information on the methods employed to monitor harvest and any potential steps taken to limit level of harvest. A tribe that desires the earliest possible opening of the migratory game bird season for nontribal members should specify this request in its proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit for nontribal members, the proposal should request the same daily bag and possession limits and season length for migratory game birds that Federal regulations are likely to permit the States in the Flyway in which the reservation is located.

Tribal Proposal Procedures

We will publish details of tribal proposals for public review in later **Federal Register** documents. Because of the time required for review by us and the public, Indian tribes that desire special migratory game bird hunting regulations for the 2020–21 hunting season should submit their proposals no later than December 1, 2019. Tribes should direct inquiries regarding the guidelines and proposals to the person listed above under the caption Consolidation of Rulemaking Documents. Tribes that request special migratory game bird hunting regulations for tribal members on ceded lands should send a courtesy copy of the proposal to officials in the affected State(s).

Public Comments

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments we receive. Such comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**. We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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. Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA 22041.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in any final rules.

National Environmental Policy Act (NEPA) Consideration

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2019–20,'' with its corresponding April 2019 finding of no significant impact. In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on

Federal Indian Reservations and Ceded Lands'' is available from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Endangered Species Act Consideration

Before issuance of the 2020–21 migratory game bird hunting regulations, we will comply with provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter the Act), to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of the Act may cause us to change proposals in future supplemental proposed rulemaking documents.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of $100 million or more on the economy.

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

An economic analysis was prepared for the 2019–20 season. This analysis was based on data from the 2011 and 2016 National Hunting and Fishing Survey, the most recent years for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2018–19 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2018–19 season. For the 2019–20 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $263–$347 million with a mid-point estimate of $305 million. We also chose alternative 3 for the 2009–10 through 2018–19 seasons. We will select regulations for the 2020–21 season in December. The analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2019–0004.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990 through 1995. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, 2013, 2018, and 2019. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is generally conducted at 5-year intervals. The 2019 Analysis is based on the 2011 and 2016 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.6 billion at small businesses in 2019. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2019–0004.

Clarity of the Rule

We are required by E.O. 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Small Business Regulatory Enforcement Fairness Act

This proposed rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule would have an annual effect on the economy of $100 million or more. However, because this rule would establish hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

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. This rule does not contain any new collection of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with migratory bird surveys and the procedures for establishing annual migratory bird hunting seasons under the following OMB control numbers:

- 1018–0019, ''North American Woodcock Singing Ground Survey'' (expires 6/30/2021, and in accordance with 5 CFR 1320.10, an agency may continue to conduct or sponsor this collection of information while the submission is pending at OMB).
- 1018–0023, ''Migratory Bird Surveys, 50 CFR 20.20'' (expires 8/31/2020). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.
- 1018–0171, ''Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20'' (expires 06/30/2021).

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this proposed rulemaking would not impose a cost of $100 million or more in any given year on local or State government or private

entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that this proposed rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment

In accordance with E.O. 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule would not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule would allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed rule is a significant regulatory action under E.O. 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in this proposed rule, we solicit proposals for special migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2020–21 migratory bird hunting season. The resulting proposals will be contained in a separate proposed rule. By virtue of these actions, we have consulted with tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with E.O. 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This action is not subject to Executive Order 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to routine hunting and fishing activities.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Authority

The rules that eventually will be promulgated for the 2020–21 hunting season are authorized under 16 U.S.C. 703–711, 712, and 742 a–j.

Dated: October 1, 2019.

Rob Wallace,

Assistant Secretary for Fish and Wildlife and Parks.

Proposed 2020–21 Migratory Game Bird Hunting Regulations (Preliminary)

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils, we may defer specific regulatory proposals. No changes from the 2019–20 frameworks in the Mississippi, Central, and Pacific Flyways are being proposed at this time. Other issues requiring early discussion, action, or the attention of the States or tribes are contained below:

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy, (B) Regulatory Alternatives, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. Only those categories containing substantial recommendations are discussed below.

A. General Harvest Strategy

We propose to continue using adaptive harvest management (AHM) to help determine appropriate duck-hunting regulations for the 2020–21 season. AHM permits sound resource decisions in the face of uncertain regulatory impacts and provides a mechanism for reducing that uncertainty over time. We use AHM to evaluate four alternative regulatory levels for duck hunting in the Mississippi, Central, and Pacific Flyways based on the population status of mallards. We use AHM based on the population status of a suite of four species in the Atlantic Flyway (see below). We have specific hunting strategies for species of special concern, such as black ducks, scaup, and pintails. For additional information of AHM, see *https://www.fws.gov/birds/management/adaptive-harvest-management.php.*

Mississippi, Central, and Pacific Flyways

The prescribed regulatory alternative for the Mississippi, Central, and Pacific Flyways is based on the status of mallard populations that contribute primarily to each Flyway. In the Central and Mississippi Flyways, we set hunting regulations based on the status and dynamics of mid-continent mallards. Mid-continent mallards are those breeding in central North America (Federal survey strata 13–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan). In the Pacific Flyway, we set hunting regulations based on the status and dynamics of western mallards. Western mallards are those breeding in Alaska and the northern Yukon Territory (as based on Federal surveys in strata 1–12), and in California, Oregon, Washington, and British Columbia (as based on State- or Province-conducted surveys).

For the 2020–21 season, we recommend continuing to use independent optimization to determine the optimal regulatory choice for each mallard stock. This means that we would develop regulations for mid-continent mallards and western mallards independently, based upon the breeding stock that contributes

primarily to each Flyway. We detailed implementation of this AHM decision framework for western and mid-continent mallards in the July 24, 2008, **Federal Register** (73 FR 43290).

Atlantic Flyway

Last year, we implemented a multi-stock protocol for the Atlantic Flyway. The protocol is based on a suite of four species that represents the dynamics of duck harvest in the Atlantic Flyway and the various habitat types used by waterfowl throughout the Atlantic Flyway: Green-winged teal (*Anas crecca*), common goldeneye (*Bucephala clangula*), ring-necked duck (*Aythya collaris*), and wood duck (*Aix sponsa*). These species comprise more than 40 percent of the Atlantic Flyway's total duck harvest, and they reflect regional variation in harvest composition. The selected species represent upland nesters in boreal and southern Canada (green-winged teal), over-water nesters in boreal Canada (ring-necked duck), cavity nesters in the United States and southern Canada (wood duck), and cavity nesters in boreal Canada (goldeneye). The most important winter waterfowl habitats in the Atlantic Flyway (salt marsh, freshwater marsh, tidal waters, freshwater ponds and lakes, rivers and streams) are important to at least one of these four species.

Species selection was also influenced by our need for sufficient time series of estimates of annual abundance and estimates of harvest rate or annual harvest. The protocol has a harvest objective of no more than 98 percent of maximum sustainable long-term yield for any of the four species. Regulatory alternatives are the same as those used in the past (under eastern mallard AHM), except that the mallard bag limit is not prescribed by the optimal regulatory alternative as determined by the multi-stock AHM protocol. Further details on biological models used in the protocol, data sources, optimization methods, and simulation results are available at *http://www.regulations.gov* and on our website at *https://www.fws.gov/birds/index.php.*

Although season length in the Atlantic Flyway is determined by the proposed multi-stock protocol, the daily bag limit for black ducks will still be determined by the international black duck AHM harvest strategy. The mallard bag limit in the Atlantic Flyway will be based on a separate assessment of the harvest potential of eastern mallards (see section D.iii. Eastern Mallards below for further information).

Final 2020–21 AHM Protocol

We will detail the final AHM protocol for the 2020–21 season in the supplemental proposed rule, which we will publish in late-September (see Schedule of Biological Information Availability, Regulations Meetings and **Federal Register** Publications for the 2020–21 Seasons at the end of this proposed rule for further information). We will propose a specific regulatory alternative in December for each of the Flyways to use for their 2020–21 seasons after status information becomes available in late August 2019.

B. Regulatory Alternatives

The basic structure of the current regulatory alternatives for AHM was adopted in 1997. In 2002, based upon recommendations from the Flyway Councils, we extended framework dates in the ''moderate'' and ''liberal'' regulatory alternatives by changing the opening date from the Saturday nearest October 1 to the Saturday nearest September 24, and by changing the closing date from the Sunday nearest January 20 to the last Sunday in January. These extended dates were made available with no associated penalty in season length or bag limits. Last year, we adopted a closing duck framework date of January 31 for the ''moderate'' and ''liberal'' alternatives in the Atlantic Flyway as part of the Atlantic Flyway's new multi-stock AHM protocol (83 FR 47868; September 21, 2018). We subsequently further extended the framework closing date to January 31 across all four Flyways for the 2019–20 hunting season (84 FR 16152; April 17, 2019).

More recently, the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Act), signed into law on March 12, 2019 (Pub. L. 116–9), amended the Migratory Bird Treaty Act to specify that the framework closing date for hunting ducks, mergansers, and coots ''shall be no later than January 31 of each year.'' The Act also states that, with regard to these species, the Secretary shall ''adopt the recommendation of each respective flyway council (as defined in section 20.152 of title 50, Code of Federal Regulations) for the Federal framework if the Secretary determines that the recommendation is consistent with science-based and sustainable harvest management.'' Thus, as directed by the law, we have adjusted the framework closing date under each regulatory alternative for all four Flyways to January 31.

For 2020–21, we propose to utilize the same regulatory alternatives that are in effect for the 2019–20 season, with the exceptions noted above (see table below for specifics of the regulatory alternatives). Alternatives are specified for each Flyway and are designated as ''RES'' for the restrictive, ''MOD'' for the moderate, and ''LIB'' for the liberal alternative. We will finalize the regulatory alternatives for each of the Flyways for the 2020–21 seasons in early-December 2019.

C. Zones and Split Seasons

Zones and split seasons are ''special regulations'' designed to distribute hunting opportunities and harvests according to temporal, geographic, and demographic variability in waterfowl and other migratory game bird populations. For ducks, States have been allowed the option of dividing their allotted hunting days into two (or in some cases three) segments (splits) to take advantage of species-specific peaks of abundance or to satisfy hunters in different areas who want to hunt during the peak of waterfowl abundance in their area. However, the split-season option does not fully satisfy many States who wish to provide a more equitable distribution of harvest opportunities. Therefore, we also have allowed the establishment of independent seasons in up to four zones within States for the purpose of providing more equitable distribution of harvest opportunity for hunters throughout the State.

In 1978, we prepared an environmental assessment (EA) on the use of zones to set duck hunting regulations. A primary tenet of the 1978 EA was that zoning would be for the primary purpose of providing equitable distribution of duck hunting opportunities within a State or region and not for the purpose of increasing total annual waterfowl harvest in the zoned areas. In fact, target harvest levels were to be adjusted downward if they exceeded traditional levels as a result of zoning. Subsequent to the 1978 EA, we conducted a review of the use of zones and split seasons in 1990. In 2011, we prepared a new EA analyzing some specific proposed changes to the zone and split-season guidelines. The current guidelines were then finalized in 2011 (76 FR 53536; August 26, 2011).

Currently, every 5 years, States are afforded the opportunity to change the zoning and split-season configuration within which they set their annual duck hunting regulations. The next regularly scheduled open season for changes to zone and split-season configurations will be in 2020, for use during the 2021–25 period. For those States wishing to change zone and split-season configurations in time for the 2021–25

seasons, we will need to receive new configuration and zone descriptions by May 1, 2020.

For the 2021–25 open season, the guidelines for duck zone and split-season configurations are as follows:

Guidelines for Duck Zones and Split Seasons

The following zone and split-season guidelines apply only for the *regular* duck season:

(1) A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent dates may be selected for the regular duck season.

(2) Consideration of changes for management-unit boundaries is not subject to the guidelines and provisions governing the use of zones and split seasons for ducks.

(3) Only minor (less than a county in size) boundary changes will be allowed for any grandfathered arrangement, and changes are limited to the open season.

(4) Once a zone and split option is selected during an open season, it must remain in place for the following 5 years.

Any State may continue the configuration used in the previous 5-year period. If changes are made, the zone and split-season configuration must conform to one of the following options:

(1) No more than four zones with no splits;

(2) Split seasons (no more than three segments) with no zones; or

(3) No more than three zones with the option for two-way (two-segment) split seasons in one, two, or all zones.

Grandfathered Zone and Split Arrangements

When we first implemented the zone and split guidelines in 1991, several States had completed experiments with zone and split arrangements different from our original options. We offered those States a one-time opportunity to continue (''grandfather'') those arrangements, with the stipulation that only minor changes could be made to zone boundaries. If any of those States now wish to change their zone and split arrangement:

(1) The new arrangement must conform to one of the three options identified above; and

(2) The State cannot go back to the grandfathered arrangement that it previously had in place.

Management Units

We will continue to utilize the specific limitations previously established regarding the use of zones and split seasons in special management units, including the High Plains Mallard Management Unit. We note that the original justification and objectives established for the High Plains Mallard Management Unit provided for additional days of hunting opportunity at the end of the regular duck season. In order to maintain the integrity of the management unit, current guidelines prohibit simultaneous zoning and/or three-way split seasons within a management unit and the remainder of the State. Removal of this limitation would allow additional proliferation of zone and split configurations and compromise the original objectives of the management unit.

D. Special Seasons/Species Management

iii. Eastern Mallards

For the Atlantic Flyway, under the proposed multi-stock AHM protocol for the Atlantic Flyway, the mallard bag limit is not prescribed by the regulatory alternative, but is instead based on a separate assessment of the harvest potential of eastern mallards. We will propose a specific mallard bag limit for the Atlantic Flyway in December.

16. Doves

In 2006 (see July 28, 2006, **Federal Register**, 71 FR 43008), we approved guidelines for the use of zones and split seasons for doves with implementation beginning in the 2007–08 season. While the initial period was for 4 years (2007–10), we further stated that, beginning in 2011, zoning would conform to a 5-year period.

The next open season for changes to dove zone and split configurations will be in 2020, for use during the 2021–25 period. For those States wishing to change zone and split-season configurations in time for the 2021–25 seasons, we will need to receive new configuration and zone descriptions by May 1, 2020.

The guidelines are as follows:

Guidelines for Dove Zones and Split Seasons in the Eastern and Central Mourning Dove Management Units

(1) A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent seasons may be selected for dove hunting.

(2) States may select a zone and split option during an open season. The option must remain in place for the following 5 years except that States may make a one-time change and revert to their previous zone and split configuration in any year of the 5-year period. Formal approval will not be required, but States must notify the Service before making the change.

(3) Zoning periods for dove hunting will conform to those years used for ducks, *e.g.,* 2021–25.

(4) The zone and split configuration consists of two zones with the option for three-way (three-segment) split seasons in one or both zones. As a grandfathered arrangement, Texas will have three zones with the option for two-way (two-segment) split seasons in one, two, or all three zones.

(5) States that do not wish to zone for dove hunting may split their seasons into no more than three segments.

For the 2021–25 period, any State may continue the configuration used in 2016–20. If changes are made, the zone and split-season configuration must conform to one of the options listed above. If Texas uses a new configuration for the entirety of the 5-year period, it cannot go back to the grandfathered arrangement that it previously had in place.

BILLING CODE 4333–15–P

PROPOSED REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 2020-21 SEASON

	ATLANTIC FLYWAY			MISSISSIPPI FLYWAY			CENTRAL FLYWAY (a)			PACIFIC FLYWAY (b)(c)		
	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB
Beginning Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24
Closing Date	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31	Jan. 31
Season Length (in days)	30	45	60	30	45	60	39	60	74	60	86	107
Daily Bag	3	6	6	3	6	6	3	6	6	4	7	7
Species/Sex Limits within the Overall Daily Bag Limit												
Mallard (Total/Female)	(d)	(d)	(d)	2/1	4/1	4/2	3/1	5/1	5/2	3/1	5/2	7/2

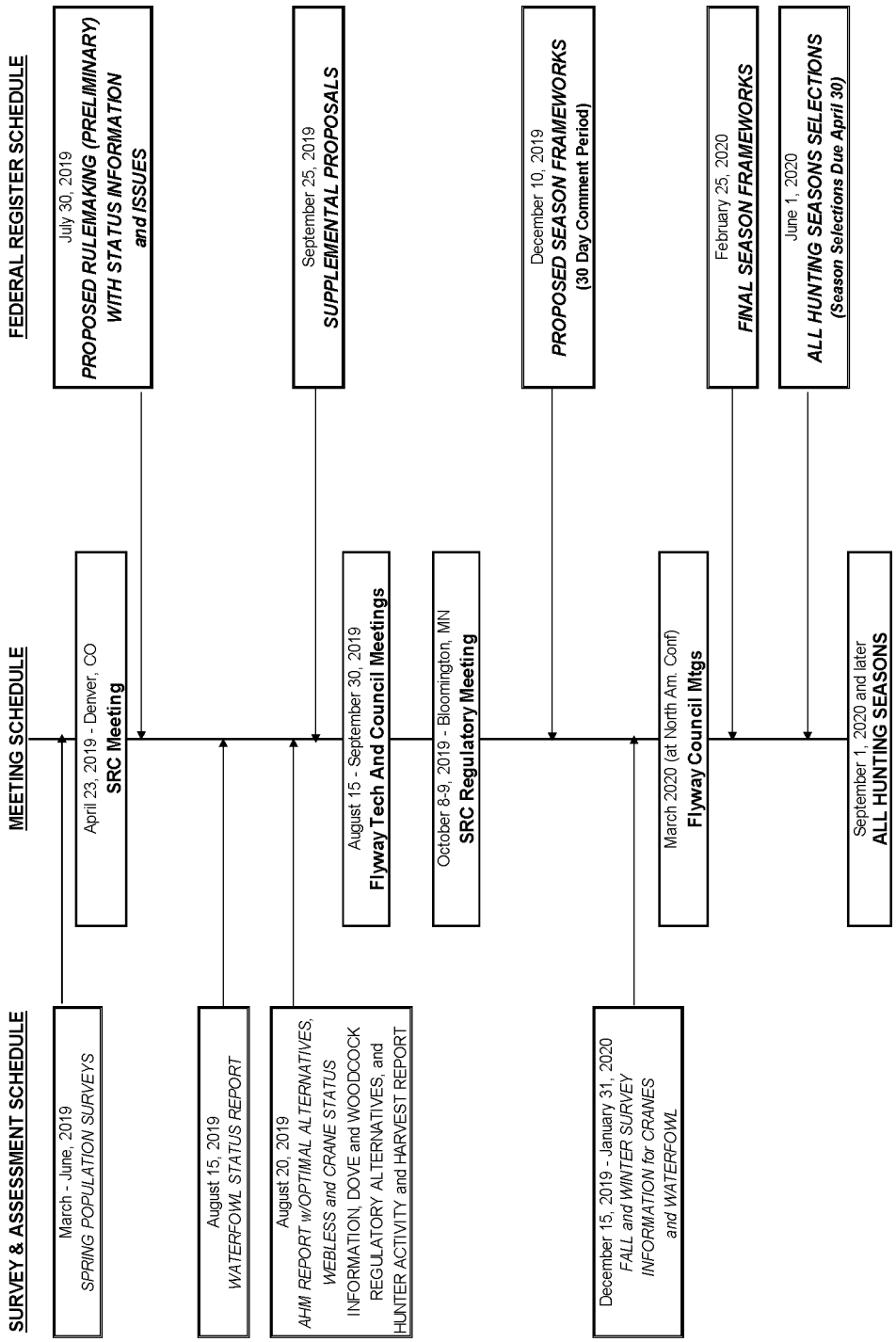
(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway, with the exception of season length. Additional days would be allowed under the various alternatives as follows: restrictive - 12, moderate and liberal - 23. Under all alternatives, additional days must be on or after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all alternatives except the liberal alternative, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different from the remainder of the Pacific Flyway. The bag limit (depending on the area) would be 5-8 under the restrictive alternative, and 7-10 under the moderate and liberal alternatives. Under all alternatives, season length would be 107 days and framework dates would be Sep. 1 - Jan. 31.

(d) Under the proposed multi-stock AHM protocol for the Atlantic Flyway, the mallard bag limit would not be prescribed by the regulatory alternative.

SCHEDULE OF BIOLOGICAL INFORMATION AVAILABILITY, REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS FOR THE 2020-21 SEASONS



[FR Doc. 2019–22151 Filed 10–11–19; 8:45 am]
BILLING CODE 4333–15–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 260 and 261

[Docket No. 191001–0050]

RIN 0648–BH37

Inspection and Certification of Establishments and Fishery Products for Human Consumption

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

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The NMFS Office of International Affairs and Seafood Inspection intends to revise regulations at 50 CFR parts 260 and 261 to improve the uniformity and reliability of voluntary seafood inspection services by adopting recognized best practices for inspection. The existing regulations have not been significantly revised or updated since NMFS first issued them in 1971. It is anticipated that the revisions will benefit the seafood industry by reducing the costs of obtaining seafood inspection services and providing improved, more accurate inspection results. Prior to drafting a proposed rule, NMFS is issuing this advance notice of proposed rulemaking requesting input from stakeholders and interested parties on focused areas of the Seafood Inspection Program regulations. Based on comments received and NMFS' overall assessment, NMFS expects to comprehensively overhaul the regulations.

DATES: Written comments must be received on or before December 16, 2019.

ADDRESSES: You may submit comments on this document, identified by docket NOAA–NMFS–2018–0098, by either of the following methods:

(1) *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0098.* Click the ''Comment Now!'' icon, and complete the required fields. Enter or attach your comments.

(2) *Mail:* Submit written comments to Karla Ruzicka, Education and Program Development, NOAA Seafood Inspection Program, 55 Great Republic Drive, Gloucester, MA 01930.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS in developing a proposed rule. All comments received are a part of the public record and will be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Karla Ruzicka, NOAA Seafood Inspection Program Development, at *Karla.Ruzicka@noaa.gov* or 978–281–9269.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*), and in accordance with the Reorganization Plan Number 4 of 1970 (84 Stat. 2090), NOAA administers a voluntary Seafood Inspection Program (SIP) which offers inspection and grading services for seafood products, similar to the United States Department of Agriculture's inspection and grading program for meat and poultry. The SIP regulations pertaining to voluntary Inspection and Certification of Establishments and Fishery Products for Human Consumption and Grading Standards are codified at 50 CFR parts 260 and 261. Upon request and if appropriate, SIP inspectors certify that seafood products meet quality specifications established by wholesale seafood purchasers, *e.g.,* grocery store chains, and, for U.S. seafood exports, the food safety requirements of the importing country or widely agreed-upon international food safety standards. NOAA SIP also offers voluntary inspection, audit, and consultative services to domestic and international processors, importers, and international competent food safety authorities (*i.e.,* governmental food safety agencies) to ensure that imported fish and fishery products meet U.S. Food and Drug Administration (FDA) food safety regulatory requirements and, where applicable, specified quality levels. Processors meeting specific NOAA SIP safety, quality, and other program requirements are permitted to mark their products with widely recognized marks and shields, including the U.S. Grade A shield, Processed Under Federal Inspection mark, Accepted Per Specifications shield, and the Officially Sampled shield. See 50 CFR 260.86.

The current regulations contained in 50 CFR part 260 have not been substantively updated since 1971 when NOAA first published SIP implementing regulations (36 FR 21037; November 3, 1971) and do not reflect the changes in industry and the role of NOAA SIP since that time. The regulations in 50 CFR part 261 pertaining to grade standards for fish and fish products were last updated in 1996 (61 FR 9368; March 8, 1996) and are also in need of modernization. As part of an overarching assessment of the continued efficacy, reliability and relevance of the 50 CFR parts 260 and 261 regulations, NOAA SIP concluded that substantial improvements could be made that would simplify its administrative, inspection, and certification procedures, resulting in increased uniformity of inspection results and efficiencies associated with inspection effort while retaining the reliability and validity of inspection results.

Therefore, as described more fully below, NOAA SIP intends to:

(1) Modernize its administrative procedures for obtaining inspection services to reflect current practices and remove those which may be obsolete;

(2) Update the sampling plan and lot compliance determination procedures;

(3) Modernize use of inspection and certification marks;

(4) Extend inspection services to product forms beyond those for human consumption; and

(5) Modernize U.S. grade standards.

To facilitate public input, NOAA SIP has identified all of 50 CFR parts 260 and 261 for review and requests comment on all aspects of its regulations as well as the specific focus areas identified below. In developing a proposed rule, consideration will be given to revising these sections and to other suggestions for process modernization that are received through public comments on this ANPRM. In general, NOAA SIP is looking for comments and suggestions from stakeholders regarding how it can modernize its regulations to better reflect current industry practices, and to ensure they are as adaptable as possible to potential changes in technologies and product requirements.

1. Modernize Definitions and Administrative Procedures

NOAA SIP intends to modernize the definitions section of its regulations (50 CFR 260.6) and update its

administrative procedures for obtaining inspection services (50 CFR 260.12–30). There are a number of definitions in the regulations that vary significantly from the definitions used by other food inspection agencies, or are simply out of date. For example, the regulations define ''deviant,'' but use of that term has been supplanted over time by the term ''non-conformity'' which is not defined in the regulations. Other common modern food safety terms that are not defined in the regulations include ''adulteration'' and ''extraneous material.''

Administrative procedures under consideration for revision include, but are not limited to: The process for requesting inspection service; the procedures for inspecting and grading products, issuing certificates, as well as appealing inspection results; and methods for determining fees and charges. The existing regulations are out of date with current practices because they do not reflect the use of the internet for requesting and appealing inspection results, the use of electronic documents, and similar technological advances since the 1970's. Comments are requested to gain information on the following:

- How can NOAA SIP improve and update its regulatory definitions to ensure alignment with internationally recognized terminology;
- Identification of out-of-date and unnecessary administrative procedures;
- Other suggestions to improve access to inspections services.

2. Modernize Sampling Plan and Lot Compliance Determination Procedures

The sampling plan and lot compliance procedures described in 50 CFR 260.61 have been in place since 1966 and were based on the best information at the time. There have been significant advances in sampling methods since then and NOAA SIP has determined that a review of sampling plans and procedures is necessary. As part of this review, NOAA SIP desires comments on the sampling of seafood products for the purposes of certification domestically and for export. NOAA SIP is also interested in suggestions for improvements to the sampling plan, including but not limited to, acceptance and reject numbers, levels of subsampling, reference to other published sampling plans, etc. In working with other Federal and State partners, questions sometimes arise regarding how to define or determine compliance when inspecting product because the existing regulations reflect older sampling procedures not commonly used today. Uniform standards for determining lot compliance, commonly understood by NOAA SIP, federal and state partners, and industry are essential for trade facilitation. NOAA welcomes comments on this important issue.

NOAA SIP will consider modernizing the Sampling Plan and Lot Compliance Determination Procedures to:

- Update and harmonize inspection practices and procedures to improve uniformity of inspection results by Federal, State, industry, and other inspectors;
- Adopt internationally recognized standards and specifications to determine sample size and acceptable compliance rates for inspected products;
- Address other suggestions provided by stakeholders.

In addition to revising the sampling plan and lot compliance procedures for product inspection and grading purposes, NOAA SIP desires comments on the sampling of seafood products for the purposes of domestic and international export certification. Consideration will be given to:

- Whether sampling plans should vary by product form, *e.g.,* should live lobster, fishmeal and fish oil have product-specific sampling plans;
- Costs associated with destructive sampling performed under current sampling plans;
- Improvements needed for the sampling plan, including but not limited to acceptance and reject numbers and/or references to other recognized and statistically valid sampling plans.

3. Modernize Use of Inspection and Certification Marks

NOAA SIP currently has inspection and grade marks that can be placed on the packages of complying products signifying to the buyer (industry or consumer) the level of quality or status of the product itself. The inspection marks currently in place only attest to the inspection of the specific seafood product, not the conditions under which it was produced. NOAA SIP has received many requests from seafood retailers, wholesalers and food safety authorities in foreign countries to have one or more marks that attest to the conditions under which the product was produced, *i.e.,* a facility that has been inspected and approved by NOAA SIP. NOAA SIP will consider modernizing use of inspection and certification marks to:

- Evaluate the effectiveness of marks and their use;
- Improve understanding and recognition of what the marks signify;
- Evaluate the basis upon which each of the marks is conferred;
- Consider whether an additional mark signifying production in an approved establishment should be developed, and if so, determine the criteria that the mark would confirm and the feasibility of ensuring the integrity of such a mark.

4. Extension of Services to Product Forms Beyond Those for Human Consumption

NOAA SIP services have evolved with the ability of the seafood industry to more fully utilize raw materials to include byproducts such as fish meal, fish oils, and other inedible product forms. To that end, NOAA SIP invites comments regarding:

- Whether NOAA SIP should continue to support the trade and certification of inedible fishery products;
- What additional products should be considered for SIP services;
- What supplier-to-buyer needs would be supported by such services;
- Whether there are any marks or attestations relevant to the industry that should be considered in association with these products and services;
- Any additional comments or suggestions with regard to these products and services.

In addition to amending its regulations, NOAA SIP is considering significant revisions to the existing grade standards, which are found in the SIP Inspection Manual, not in the regulations.

5. Modernize U.S. Grade Standards

In 1996, NOAA SIP removed product-specific grading standards from its regulations and has since issued them as program policies maintained in the SIP Inspection Manual (*https://www.fisheries.noaa.gov/national/seafood-commerce-certification/seafood-inspection-manual*). See 61 FR 9368 (March 8, 1996). NOAA does not intend to bring the grade standards back into its regulations, but as the U.S. Government is the primary source for the development and direction of these standards, they should be managed with a similar level of transparency and open discussion. NOAA SIP is soliciting guidance on the U.S. Grade standards as part of its comprehensive review of operations, regulations and guidance to industry. U.S. Grade Standards are publicly available in the SIP Inspection Manual found online and are revised as necessary. Currently there are 23 grade standards for various seafood products with some being specific to species (*e.g.,* halibut steaks). The standards could be

collapsed down to a smaller number of standards, perhaps fewer than 10, by focusing on product form in general (*e.g.,* general steak standard). Doing so would be an improvement over the current offering of grade standards in that it standardizes methods across all species and opens up more seafood products within the United States to be able to apply a U.S. Grade A mark. NOAA SIP will consider modernizing U.S. Grade Standards to:

- Focus on finished product form specificity rather than species;
- Harmonize Grade Standards design across regions, stakeholders, and products to increase results accuracy and ease of use by all stakeholders;
- Develop easy-to-use product grading documentation
- Improve scientific and statistical methodologies applied to the evaluation of seafood products such as moisture determination, texture analysis, etc.;
- Address other suggestions provided by stakeholders.

NOAA SIP is also interested in any additional comments or suggestions for improving the implementation of the regulations under 50 CFR parts 260 and 261 and the Program generally.

Authority: 7 U.S.C. 1621 *et seq.*

Dated: October 9, 2019.

Samuel D. Rauch III,

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

[FR Doc. 2019–22429 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 191008–0058]

RIN 0648–BJ17

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region; Control Date

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

ACTION: Advanced notice of proposed rulemaking; consideration of a control date.

SUMMARY: This document announces the establishment of a control date of March 7, 2019, for the commercial sector of Spanish mackerel. The South Atlantic Fishery Management Council (South Atlantic Council) may use the control date if it decides to create restrictions limiting participation in the commercial sector for Spanish mackerel. The Gulf of Mexico Fishery Management Council (Gulf Council) would also need to approve any restrictions to the Federal commercial Spanish mackerel permit. Anyone entering the sector after the control date would not be assured of future access should a management program that limits participation in the sector be prepared and implemented. This announcement is intended, in part, to promote awareness of the potential eligibility criteria for future access to discourage speculative entry into the Spanish mackerel commercial sector while the South Atlantic Council and NMFS consider whether and how access to the sector should be further controlled.

DATES: Written comments must be received by November 14, 2019.

ADDRESSES: You may submit comments identified by ''NOAA–NMFS–2019–0083'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0083,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Nikhil Mehta, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The coastal migratory pelagic (CMP) fishery in the Gulf of Mexico and Atlantic regions is managed jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). The Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (FMP) includes king mackerel and Spanish mackerel, and cobia in the Gulf of Mexico. The FMP was prepared by the Councils and is implemented by NMFS through regulations at 50 CFR part 622 under authority of the Magnuson-Stevens Fishery Conservation and Management Act.

Spanish mackerel is not currently overfished or undergoing overfishing. However, as a result of increased commercial effort and exceedance of the commercial annual catch limit in recent years, the South Atlantic Council requested at their June 2019 meeting that NMFS publish a control date of March 7, 2019, for the Spanish mackerel commercial permit. The final rule for Amendment 2 to the FMP (52 FR 23836; June 25, 1987), established an open access Federal commercial permit for both Atlantic and Gulf of Mexico migratory groups of Spanish mackerel. The control date enables the South Atlantic Council to inform current and potential participants that it is considering creating restrictions that may limit participation in the Spanish mackerel commercial sector. The South Atlantic Council may consider creating a limited access permit system for the Spanish mackerel commercial sector where the number of participants could be restricted through permit limitations to control the amount of effort. Other options may include, but are not limited to, a limited access gillnet endorsement in the Atlantic southern zone (North Carolina/South Carolina boundary to the Miami-Dade/Monroe County, Florida, boundary), and collaboration with state agencies.

This document informs participants who enter the commercial sector for Spanish mackerel after March 7, 2019, that they may not be ensured participation under future management of this portion of the CMP fishery. If the South Atlantic Council decides to restrict participation in the Spanish mackerel commercial sector in relation to this control date, an amendment to the FMP with analysis of specific biological, economic, and social effects will be prepared at that time. Any future amendment addressing modifications to the Spanish mackerel commercial permit in relation to this control date would require approval by both Councils.

In addition to an amendment to the FMP, implementation of any such changes would require publication of a notice of availability and proposed rule in the **Federal Register** with public comment periods, and, if approved by

the Secretary of Commerce, issuance of a final rule.

Fishermen are not guaranteed future participation in a fishery or sector regardless of their entry date or intensity of participation in the fishery or sector before or after the control date under consideration. The South Atlantic Council subsequently may choose a different control date or a different management program without using a control date. The South Atlantic Council also may choose to take no further action to control entry or access to the Spanish mackerel commercial sector.

NMFS invites comments on the establishment of this control date. This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the Spanish mackerel commercial sector.

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

Dated: October 8, 2019.

Samuel D. Rauch III,

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

[FR Doc. 2019–22317 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 84, No. 199

Tuesday, October 15, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Collaborative Forest Landscape Restoration Advisory Panel

AGENCY: Forest Service, USDA.

ACTION: Call for nominations for the Collaborative Forest Landscape Restoration Advisory Panel.

SUMMARY: The Collaborative Forest Landscape Restoration Advisory Panel (Panel) was renewed on September 16, 2019, to evaluate and provide recommendations on the selection of collaborative forest landscape restoration proposals to the Secretary of Agriculture (Secretary) for approval as provided in Section 8629 of the Agriculture Improvement Act of 2018. The Secretary has determined that the work of the Panel is in the public's interest and relevant to the duties of the Department of Agriculture. Therefore, the Secretary is seeking nominations to fill vacancies on the Panel. The Panel is a statutory committee. Additional information concerning the Panel can be found by visiting the Panel's website at: *https://www.fs.fed.us/restoration/CFLRP/advisory-panel.shtml*.

DATES: Nominations must be received on or before November 14, 2019. Nominations must contain a completed application packet that includes the nominee's name, resume, references, and completed Form AD–755 (Advisory Committee or Research and Promotion Background Information). The package must be sent to the address below.

ADDRESSES: Send nominations and applications to Jessica Robertson, USDA Forest Service, Forest Management, Range Management and Vegetation Ecology, 201 14th Street SW, Room 3SW, Washington, DC 20024 by express mail or overnight courier service. If sent via the U.S. Postal Service, please send to the following address: USDA, Forest Service, Forest Management, National Forest System, Mail Stop 1103, 1400 Independence Avenue SW, Washington, DC 20250–1123, or by email at *jessica.robertson@usda.gov*.

FOR FURTHER INFORMATION CONTACT: Lindsay Buchanan, USDA, National Forest System, Forest Management, Range Management, and Vegetation Ecology, by phone at 503–808–2810 or by email at *lindsay.buchanan@usda.gov,* or contact Jessica Robertson, USDA, National Forest System, Forest Management, Range Management, and Vegetation Ecology, by phone at 202–205–0847 or by email at *jessica.robertson@usda.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the Collaborative Forest Landscape Restoration Program is to increase active management to improve forest health, reduce the risk of catastrophic wildfires, and promote jobs in rural economies through a process that:

(1) Encourages ecological, economic, and social sustainability;

(2) Leverages local resources with national and private resources;

(3) Facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) Demonstrates the degree to which:

(a) Various ecological restoration techniques;

(i) achieve ecological and watershed health objectives;

(ii) affect wildfire activity and management costs; and

(b) The use of forest restoration byproducts can offset treatment costs while benefiting local rural economies and improving forest health.

The duties of the Committee include:

1. Evaluating Collaborative Forest Landscape Restoration project proposals with special consideration given to:

a. The strength of the proposal and strategy;

b. the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

c. the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

d. whether the proposal is likely to reduce the risk of uncharacteristic wildfire and reestablish natural fire regimes;

e. whether the proposal would use restoration byproducts to reduce the relative costs of carrying out ecological restoration treatments and benefit local economies; and

f. whether the proposal is in alignment with a shared stewardship approach, including leveraging an appropriate level of non-Federal investments.

2. Provide recommendations on each proposal to the Secretary of Agriculture through the Chief of the Forest Service.

Advisory Committee Organization

The Committee shall be comprised of no more than 15 members approved by the Secretary of Agriculture where each will serve a 2-year term, although appointments shall have staggered terms. The Committee membership will be fairly balanced in terms of the points of view represented and functions to be performed. Non-Federal members of the Committee shall serve without pay, but will be reimbursed for reasonable costs incurred while performing duties on behalf of the Committee, subject to approval by the Designated Federal Officer (DFO). The Committee shall include representation from experts in the following interest areas:

1. Ecological Restoration,
2. Fire Ecology,
3. Fire Management,
4. Rural Economic Development,
5. Strategies for Ecological Adaptation to Climate Change,
6. Fish and Wildlife Ecology, and
7. Woody Biomass and Small-Diameter Tree Utilization.

Of these members, one will become the Chairperson who is recognized for his/her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. The Committee will meet on an annual basis or as needed. This will be determined by the Committee. Vacancies will be filled in the manner in which the original appointment was made.

Nomination and Application Information

The appointment of members to the Committee will be made by the

Secretary of Agriculture. The public is invited to submit nominations for membership on the Committee, either self-nomination or nomination of any qualified and interested person. Any individual or organization may nominate one or more qualified persons to represent the interest areas listed above. To be considered for membership, nominees must:

1. Identify what interest area group listed above they would represent and how they are qualified to represent that interest group;
2. State why they want to serve on the Committee and what they can contribute;
3. Provide 2–3 references that may be contacts about the nominee's application;
4. Provide a resume showing their past experience in working successfully as part of a coordinating group; and
5. Complete Form AD–755, Advisory Committee or Research and Promotion Background Information. Form AD–755 may be obtained from the listed Forest Service contact persons or from the following websites: *https://www.ocio.usda.gov/document/ad-755* or *https://www.fs.fed.us/restoration/CFLRP/advisory-panel.shtml.*

Letters of recommendation are welcome. All nominations will be vetted by the Agency. Equal opportunity practices in accordance with USDA policies shall be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall, to the extent practicable, include individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: October 7, 2019.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2019–22341 Filed 10–11–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Solicitation of Applications for the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the solicitation of applications for funds available under the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program (the Program) to provide guaranteed loans to fund the development, construction, and retrofitting of commercial scale biorefineries using eligible technology and of Biobased product manufacturing facilities that use technologically new commercial scale processing and manufacturing equipment to convert renewable chemicals and other biobased outputs of biorefineries into end-user products, on a commercial scale.

DATES: With this Notice, the Agency is announcing two separate application cycles, as is provided which are application closing dates of 4:30 p.m. Eastern Daylight Time, October 1, 2019, and 4:30 p.m. Eastern Daylight Time, April 1, 2020.

Applications must be received in the USDA Rural Business–Cooperative Service, Energy Programs no later than 4:30 p.m. Eastern Daylight Time of the application closing date to compete for program funds. Any application received after 4:30 p.m. Eastern Daylight Time of the application closing date will be considered for the subsequent application cycle, provided that funding is available.

ADDRESSES: Applications and forms may be obtained from:

- USDA, Rural Business–Cooperative Service, Energy Programs, Attention: Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225.
- *Agency Website:* Application materials can be obtained from the Agency's website. *http://www.rd.usda.gov/programs-services/biorefinery-assistance-program.*

FOR FURTHER INFORMATION CONTACT: Aaron Morris, Assistant Deputy Administrator, USDA Rural Business–Cooperative Service, Energy Programs, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225. Telephone: 202–720–1501. Email: *Aaron.Morris@usda.gov.*

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America (*www.usda.gov/ruralprosperity*). Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships, and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with the Program, as covered in this Notice, have been approved by the Office of Management Budget (OMB) under OMB Control Number 0570–0065.

Overview

Federal Agency Name: Rural Business-Cooperative Service (an Agency of USDA in the Rural Development mission area).

Solicitation Opportunity Title: Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program.

Announcement Type: Notice of Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: The CFDA number for this Notice is 10.865.

Dates: Applications must be received in the USDA Rural Business–Cooperative Service, Energy Programs no later than the application closing dates of 4:30 p.m. Eastern Daylight Time, October 1, 2019, and 4:30 p.m. Eastern Daylight Time, April 1, 2020. Any application received after 4:30 p.m. Eastern Daylight Time of the application closing date will be considered for the subsequent application cycle, provided that funding is available.

Availability of Notice and Rule: This Notice and the interim rule for the Program are available on the USDA Rural Development website at: *http://www.rd.usda.gov/programs-services/biorefinery-assistance-program.*

I. Funding Opportunity Description

A. *Purpose of the Program.* The purpose of the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program is to assist in the development of new and emerging technologies for the development of advanced biofuels, renewable chemicals, or biobased product manufacturing. This is achieved through guarantees for loans made to fund the development, construction, and retrofitting of commercial scale biorefineries using eligible technology and of biobased product manufacturing facilities that use technologically new commercial scale processing and

manufacturing equipment and required facilities to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.

B. *Statutory Authority.* This Program is authorized under 7 U.S.C. 8103. Regulations are contained in 7 CFR part 4279, subpart C and in 7 CFR part 4287, subpart D.

C. *Definition of Terms.* The definitions applicable to this Notice are published at 7 CFR 4279.202 and 7 CFR 4287.302.

D. *Application awards.* The Agency will review, evaluate, score, and award applications received in response to this Notice based on the provisions found in 7 CFR part 4279, subpart C and as indicated in this Notice.

II. Award Information

A. *Available funds.* This Notice is a solicitation for applications that will be funded using budget authority provided by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), the Agricultural Act of 2014 (2014 Farm Bill), and the Agricultural Improvement Act of 2018 (2018 Farm Bill).

B. *Type of Award.* Guaranteed loan.

C. *Approximate Number of Awards.* Subject to the amount of funding available.

D. *Guarantee Loan Funding.* The provisions of 7 CFR 4279.232 apply to this Notice. The Borrower needs to provide the remaining funds from other non-Federal sources to complete the Project.

E. *Guarantee and Annual Renewal Fees.* The guarantee and annual renewal fees specified in 7 CFR 4279.231 are applicable to this Notice.

F. *Anticipated Award Date.* The award date will vary based on timing of completion of each project's individual application process.

III. Eligibility Information

A. *Eligible Lenders.* To be eligible for this program, lenders must meet the eligibility requirements in 7 CFR 4279.208.

B. *Eligible Borrowers.* To be eligible for this program, borrowers must meet the eligibility requirements in 7 CFR 4279.209.

C. *Eligible Projects.* To be eligible for this program, projects must meet the eligibility requirements in 7 CFR 4279.210. In addition, the 2018 Farm Bill amends the definition of 'eligible technology' to allow applicants to submit projects that adopt technologies in a biorefinery that produces an advanced biofuel, renewable chemical, or a biobased product.

D. *Application Completeness.* Incomplete Phase 1 applications will be rejected and the project will be given no further consideration. Lenders will be informed of the element(s) that made the application incomplete. If the lender makes the required edits and resubmits the application to the USDA's Rural Business-Cooperative Service, Energy Programs by 4:30 p.m. Eastern Daylight Time, on the application closing date, the Agency will reconsider the application.

IV. Application Submission Information

A. *Letter of Intent.* For each guarantee request, the lender or the borrower must submit to the Agency a non-binding letter of intent to apply for a loan guarantee, not less than 30 calendar days prior to the application deadline. The letter of intent due date is August 30, 2019, for the October 1, 2019, application cycle and March 2, 2020, for the April 1, 2020, cycle. The letter must identify the borrower, the lender and any project sponsors; describe the project and project location; describe the proposed feedstock, primary technologies of the facility, and primary products produced; estimate the total project cost and amount of loan requested; and identify the application cycle due date. The Agency reserves the right to request additional information from potential applicants. Applications submitted without a letter of intent may be accepted by the Agency at the Agency's discretion.

B. *Application Submittal.* For each guarantee request, the lender must submit to the Agency an application that is in conformance with 7 CFR 4279.261. The content and methods of application submittal are specified below. Additionally, the Agency has developed an application guide that explains the application procedures and details the process for submission of an application. This guide is located at *http://www.rd.usda.gov/files/RBS_Section9003Biorefinery_ApplicationGuide.pdf.*

C. *Content and Form of Submission.* All applicants must submit one paper copy of the application materials and an electronic copy containing the same information that is included in the paper copy. Detailed instructions regarding application submission are explained in the application guide that the Agency has developed. The application guide is available online on the ''Forms and Resources'' page at *http://www.rd.usda.gov/programs-services/biorefinery-assistance-program* or by contacting Aaron Morris, Telephone: 202–720–1501. Email: *Aaron.Morris@usda.gov.* Application materials should be submitted to USDA Rural Business-Cooperative Service, Energy Programs, Attention: Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225.

The Agency's application process is divided into two phases. Phase 1 applications will provide information needed to determine lender, borrower, and project eligibility; preliminary economic and technical feasibility; and the priority score of the application. Based on the priority score ranking, the Agency will invite applicants whose Phase 1 applications receive higher priority scores to submit Phase 2 applications. Phase 2 application materials will be submitted as the project planning and engineering are finalized and will include information such as: Environmental compliance information, technical report, financial model, and the lender's credit evaluation. Phase 1 applications must contain the information required in the Agency's application guide and in accordance with 7 CFR 4279.261.

D. *Local Owner.* For applications submitted under this Notice, when the majority of feedstock to be utilized by the project on an annual basis is harvested from the land, the term ''local owner'' is defined as an individual who owns any portion of an eligible biorefinery and whose primary residence is located within the geographic area that the biorefinery's feedstock originates. In all other cases, ''local owner'' is defined as an individual who owns any portion of an eligible biorefinery and whose primary residence is located within 100 miles of the biorefinery. This definition will remain in effect until amended by a future **Federal Register** Notice.

V. Biobased Product Manufacturing

This notice also includes the solicitation of applications for funds available under the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program to specifically fund biobased product manufacturing. The 2014 Farm Bill added biobased product manufacturing to the Program and provided for up to 15 percent of the mandatory funds for fiscal years 2014 and 2015 to be used to support facilities producing biobased products for end use. The 2014 Farm Bill provides the definition of ''biobased product manufacturing,'' which the Agency has incorporated into the subsequent interim rule (see 7 CFR 4279.202). This definition requires that the biobased product manufacturing facility use

renewable chemicals and other biobased outputs of biorefineries as inputs and also requires that the borrower use technologically new commercial scale processing and manufacturing equipment and required facilities. The facility must produce end-user products.

VI. Biobased Product Manufacturing Eligibility Information

The eligibility requirements for prospective lenders and borrowers will not change from those listed above for the program, generally. For biobased product manufacturing projects, the eligible project requirement is modified to reflect that eligible projects will use technologically new commercial scale processing and manufacturing equipment and required facilities to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.

Additionally, for purposes of biobased product manufacturing projects, only for purposes of technical review, technical reports need to address only the technologically new commercial scale processing and manufacturing equipment and required facilities.

VII. Biobased Product Manufacturing Application Processing Procedures

The application processing procedures will remain the same for biobased product manufacturing projects as for the projects described above.

For applications submitted under this Notice, ''local owner'' is defined as an individual who owns any portion of an eligible biorefinery and whose primary residence is located within 100 miles of the biorefinery.

VIII. Biobased Product Manufacturing Scoring

In lieu of the criteria listed in 7 CFR 4279.266, biobased product manufacturing projects will be scored using the criteria listed below. The scoring criteria below will remain in effect until amended by another **Federal Register** Notice. The scoring criteria are as follows:

(a) Whether the borrower has established a market for the manufactured biobased product, as applicable. A maximum of 16 points can be awarded. Points to be awarded will be determined as follows:

(1) Degree of commitment of contracted sales agreements. A maximum of 6 points will be awarded.

(i) If the borrower has signed contracts for purchase for greater than 50 percent of the dollar value of manufactured biobased product, 6 points will be awarded.

(ii) If the borrower has signed letters of intent to enter into contracted sales agreements, or comparable documentation, for the purchase for greater than 50 percent of the dollar value of the manufactured biobased product, or combination of signed contracts or agreements and letters of intent or comparable documentation, 4 points will be awarded.

(iii) If the borrower has signed letters of interest to enter into contracted sales agreements, or comparable documentation, for the purchase for greater than 50 percent of the dollar value of the manufactured biobased product, or combination of signed contracts, letters of intent or comparable documentation, 2 points will be awarded.

(2) Duration of contracted sales agreements. A maximum of 6 points will be awarded.

(i) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of manufactured biobased product for the period not less than the loan term, 6 points will be awarded.

(ii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product for the period not less than 5 years but less than the term of the loan, 4 points will be awarded.

(iii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product for the period not less than 1 year but less than 5 years, 2 points will be awarded.

(3) Financial strength of the contracted sales agreement counterparty. A maximum of 4 points will be awarded.

(i) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product with a counterparty with a corporate credit rating not less than AA, Aa2, or equivalent, 4 points will be awarded.

(ii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product with a counterparty with a corporate credit rating less than AA, Aa2, or equivalent, but not less than A−, or A3, or equivalent, 2 points will be awarded.

(iii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product with a counterparty with a corporate credit rating less than A−, or A3, or equivalent, but not less than BBB−, or Baa3, or equivalent, 1 point will be awarded.

(b) Whether the area in which the borrower proposes to place the project, defined as the area that will supply the renewable chemicals and other biobased outputs of biorefineries to the proposed project, has any other similar facilities. A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If the area that will supply the renewable chemicals and other biobased outputs of biorefineries to the proposed project does not have any other similar facilities, 5 points will be awarded.

(2) If there are other similar facilities located within the area that will supply the renewable chemicals and other biobased outputs of biorefineries to the proposed project, 0 points will be awarded.

(c) Whether the borrower is proposing to use renewable chemicals and other biobased outputs of biorefineries not previously used in the biobased product manufacturing. A maximum of 10 points can be awarded. Points to be awarded will be determined as follows:

(1) If the borrower proposes to use renewable chemicals and other biobased outputs of biorefineries previously used in the manufacture of a biobased product in a commercial facility, 0 points will be awarded.

(2) If the borrower proposes to use renewable chemicals and other biobased outputs of biorefineries not previously used in the manufacture of a biobased product in a commercial facility, 10 points will be awarded.

(d) Whether the borrower is proposing to work with producer associations or cooperatives. A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If at least 50 percent of the dollar value of renewable chemicals and other biobased outputs of biorefineries to be used by the proposed project will be supplied by producer associations and cooperatives or biorefineries supplied by producer associations and cooperatives, 5 points will be awarded.

(2) If at least 30 percent of the dollar value of renewable chemicals and other biobased outputs of biorefineries to be used by the proposed project will be supplied by producer associations and

cooperatives or biorefineries supplied by producer associations and cooperatives, 3 points will be awarded.

(e) The level of financial participation by the borrower, including support from non-Federal Government sources and private sources. A maximum of 20 points can be awarded. Points to be awarded will be determined as follows:

(1) If the sum of the loan amount requested and other direct Federal funding is less than or equal to 50 percent of total eligible project costs, 20 points will be awarded.

(2) If the sum of the loan amount requested and other direct Federal funding is greater than 50 percent but less than or equal to 55 percent of total eligible project costs, 16 points will be awarded.

(3) If the sum of the loan amount requested and other direct Federal funding is greater than 55 percent but less than or equal to 60 percent of total eligible project costs, 12 points will be awarded.

(4) If the sum of the loan amount and other direct Federal funding is greater than 60 percent but less than or equal to 65 percent of total eligible project costs, 8 points will be awarded.

(5) If the sum of the loan amount and other direct Federal funding is greater than 65 percent but less than or equal to 70 percent of total eligible project costs, 4 points will be awarded.

(f) Whether the borrower has established that the adoption of the manufacturing process proposed in the application will have a positive effect on three impact areas: Resource conservation (*e.g.,* water, soil, forest), public health (*e.g.,* potable water, air quality), and the environment (*e.g.,* compliance with an applicable renewable fuel standard, greenhouse gases, emissions, particulate matter). A maximum of 10 points can be awarded. Based on what the borrower has provided in either the application or the feasibility study, points to be awarded will be determined as follows:

(1) If process adoption will have a positive impact on any one of the three impact areas (resource conservation, public health, or the environment), 3 points will be awarded.

(2) If process adoption will have a positive impact on two of the three impact areas, 6 points will be awarded.

(3) If process adoption will have a positive impact on all three impact areas, 10 points will be awarded.

(g) Whether the borrower can establish that, if adopted, the technology proposed in the application will not have any economically significant negative impacts on existing manufacturing plants or other facilities that use renewable chemicals and other biobased outputs of biorefineries. A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If the borrower has failed to establish, through an independent third-party feasibility study, that the production technology proposed in the application, if adopted, will not have any economically significant negative impacts on existing manufacturing plants or other facilities that use similar renewable chemicals and other biobased outputs of biorefineries, 0 points will be awarded.

(2) If the borrower has established, through an independent third-party feasibility study, that the production technology proposed in the application, if adopted, will not have any economically significant negative impacts on existing manufacturing plants or other facilities that use renewable chemicals and other biobased outputs of biorefineries, 5 points will be awarded.

(h) The potential for rural economic development. A maximum of 10 points can be awarded. Points to be awarded will be determined as follows:

(1) If the project is located in a rural area, 5 points will be awarded.

(2) If the project creates jobs through direct employment with an average wage that exceeds the county median household wages where the project will be located, 5 points will be awarded.

(i) The level of local ownership of the facility proposed in the application. For the purposes of this Notice, a local owner is defined as ''An individual who owns any portion of an eligible advanced biofuel biorefinery and whose primary residence is located within 100 miles of the biorefinery.'' A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(A) If local owners have an ownership interest in the facility of more than 20 percent but less than or equal to 50 percent, 3 points will be awarded.

(B) If local owners have an ownership interest in the facility of more than 50 percent, 5 points will be awarded.

(j) Whether the project can be replicated. A maximum of 10 points can be awarded. Points to be awarded will be determined as follows:

(1) If the project can be commercially replicated regionally (*e.g.,* Northeast, Southwest, etc.), 5 points will be awarded.

(2) If the project can be commercially replicated nationally, 10 points will be awarded.

(k) If the project uses a particular technology, system, or process that is not currently operating at commercial scale as of October 1 of the fiscal year for which the funding is available; October 1, 2019, 5 points will be awarded.

(l) The Administrator can award up to a maximum of 10 bonus points:

(i) To ensure, to the extent practical, there is diversity in the types of projects approved for loan guarantees to ensure a wide a range as possible technologies, products, and approaches are assisted in the program portfolio; and

(ii) To applications that promote partnerships and other activities that assist in the development of new and emerging technologies for the development of renewable chemicals and other biobased outputs of biorefineries, so as to, as applicable, promote resource conservation, public health, and the environment; diversify markets for agricultural and forestry products and agriculture waste material; and create jobs and enhance the economic development of the rural economy. No additional information regarding partnerships is provided at this time. If additional information does become available, the Agency will publish those details in a **Federal Register** notice.

IX. General Program Information

A. *Loan Origination.* Lenders seeking a loan guarantee under this Notice must comply with all the provisions found in 7 CFR 4279, subpart C.

B. *Loan Processing.* The Agency will process loans guaranteed under this Notice in accordance with the provisions specified in 7 CFR 4279.260 through 4279.290.

C. *Evaluation of Applications and Awards.* Awards under this Notice will be made on a competitive basis; submission of an application neither reserves funding nor ensures funding. The Agency will evaluate each application received in the USDA Rural Business-Cooperative Service, Energy Programs, select Phase 1 applications in accordance with 7 CFR 4279.267 to invite submittal of Phase 2 applications and will make awards using the provisions specified in 7 CFR 4279.278.

D. *Guaranteed Loan Servicing.* The Agency will service loans guaranteed under this Notice in accordance with the provisions specified in 7 CFR 4287.301 through 4287.399.

X. Administration Information

A. *Notifications.* The Agency will notify, in writing, lenders whose Phase 1 applications have scored highest and will invite them to submit Phase 2 applications. If the Agency determines it is unable to guarantee any particular loan, the lender will be informed in

writing. Such notification will include the reason(s) for denial of the guarantee.

B. *Administrative and National Policy Requirements.*

1. *Review or Appeal Rights.* A person may seek a review of an Agency decision or appeal to the National Appeals Division in accordance with 7 CFR 4279.204.

2. *Exception Authority.* The provisions specified in 7 CFR 4279.203 and 7 CFR 4287.303 apply to this Notice.

C. *Environmental Review.* The Agency will review all applicant proposals that may qualify for assistance under this section in accordance with 7 CFR part 1970, Environmental Policies and Procedures. The environmental review for projects that score high enough will be submitted during the Phase 2 application process and must be conducted in accordance with 7 CFR part 1970, Environmental Policies and Procedures.

XI. Agency Contacts

For general questions about this Notice, please contact Aaron Morris, Rural Business–Cooperative Service, Energy Programs, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225. Telephone: 202–720–1501. Email: *Aaron.Morris@usda.gov.*

Equal Opportunity and Non-Discrimination Requirements

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program. Political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARTET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of a complaint form, call, (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email at: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2019–22366 Filed 10–11–19; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–817]

Oil Country Tubular Goods From the Republic of Turkey: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order would be likely to lead to the continuation or recurrence of a countervailable subsidy at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable October 15, 2019.

FOR FURTHER INFORMATION CONTACT: Aimee Phelan or Mary Kolberg, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2201 or (202) 482–1785, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2014, Commerce published in the **Federal Register** the CVD order on oil country tubular goods (OCTG) from the Republic of Turkey (Turkey).[1] Subsequently on October 5, 2017, Commerce published an amended order consistent with the decision of the United States Court of Appeals for the Federal Circuit affirming Commerce's remand redetermination.[2] On June 4, 2019, Commerce published the notice of initiation of the first sunset review of the CVD order on OCTG Turkey, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3] In June 2019, Commerce received a notice of intent to participate from the following domestic interested parties: Benteler Steel/Tube, Boomerang Tube, LLC, IPSCO Tubulars, Inc., Vallourec Star, LP, and Welded Tube USA Inc;[4] Maverick Tube Corporation and Tenaris Bay City, Inc;[5] and United States Steel Corporation. (U.S. Steel Corporation).[6] All notices of intent to participate were timely filed within the deadline specified in 19 CFR 351.218(d)(1)(i). Additionally, each of these companies claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of OCTG.

Commerce received an adequate substantive response to the notice of initiation from the domestic producers within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[7] On July 4, 2019, we received a timely substantive response from the government of Turkey (GOT).[8] The domestic interested parties

[1] *See Certain Oil Country Tubular Goods from India and the Republic of Turkey: Countervailing Duty Orders and Amended Affirmative Final Countervailing Duty Determination for India,* 79 FR 53688 (September 10, 2014).

[2] *See Oil Country Tubular Goods from the Republic of Turkey: Amendment of Countervailing Duty Order,* 82 FR 46483 (October 5, 2017).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 84 FR 25741 (June 4, 2019).

[4] *See* Benteler Steel/Tube's, Boomerang Tube, LLC's, IPSCO Tubulars, Inc.'s, Vallourec Star, LP's, and Welded Tube USA Inc.'s Letter, ''Oil Country Tubular Goods from Turkey: Notice of Intent to Participate,'' dated June 13, 2019.

[5] *See* Maverick Tube Corporation's and Tenaris Bay City, Inc.'s Letter, ''Notice of Intent to Participate in First Sunset Reviews of the Antidumping and Countervailing Duty Orders on Oil Country Tubular Goods from Turkey,'' dated June 17, 2019.

[6] *See* U.S. Steel Corporation's Letter, ''Five-Year (Sunset) Review of Antidumping and Countervailing Duty Orders on Oil Country Tubular Goods from Turkey: Notice of Intent to Participate,'' dated June 19, 2019.

[7] *See* Domestic Interested Parties' Letter, ''Oil Country Tubular Goods from Turkey: Substantive Response of the Domestic Industry to Commerce's Notice of Initiation of Five-Year (Sunset) Review,'' dated July 3, 2019.

[8] *See* GOT's Letter, ''Response of the Government of Turkey to the Five-Year Review (Sunset Review) of Antidumping and Countervailing Duty Orders on Imports of Certain Oil Country Tubular Goods from the Republic of Turkey,'' dated July 4, 2019.

filed a timely rebuttal response to the GOT's submission on July 9, 2019.[9] However, because we did not receive a substantive response from exporters of OCTG from Turkey, we determined that the substantive response provided by the GOT was not adequate.

On July 29, 2019, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[10] As a result, pursuant to 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the CVD order on OCTG from Turkey.

Scope of the Order

The merchandise covered by the order is OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the order also covers OCTG coupling stock.

Excluded from the scope of the order are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70. Although the HTSUS subheadings above are provided for convenience and customs purpose, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum,[11] which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum are the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the order were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all in the Central Records Unit, Room B8024 of the main Commerce building. A list of the topics discussed in the Issues and Decision Memorandum is attached to this notice as an Appendix. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Final Results of Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the CVD order on OCTG from Turkey would be likely to lead to the continuation or recurrence of a countervailable subsidy at the rates listed below:

Producer/exporter	Net subsidy rate (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S., and cross-owned affiliates Borusan Istikbal Ticaret, Borusan Mannesmann Boru Yatirim Holding A.S., and Borusan Holding A.S. (collectively, Borusan)	2.71
All Others	2.71

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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.

Notification to Interested Parties

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

[9] *See* Domestic Interested Parties' Letter, ''Oil Country Tubular Goods from Turkey: Rebuttal to the Substantive Response of the Government of Turkey to Commerce's Notice of Initiation of Five-Year (Sunset) Reviews,'' dated July 9, 2019.

[10] *See* Commerce's Letter, ''Sunset Reviews Initiated on June 1, 2019,'' dated July 29, 2019.

[11] *See* Memorandum ''Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Countervailing Duty Order on Certain Pasta from Italy,'' dated concurrently with this notice (Issues and Decision Memorandum).

Dated: October 2, 2019.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations 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
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2019–22532 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–872]

Finished Carbon Steel Flanges From India: Preliminary Results of Countervailing Duty Administrative Review, 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Norma (India) Ltd. (Norma) and R.N. Gupta & Co. Ltd (RNG) received countervailable subsidies during the period of review (POR), November 29, 2016 through December 31, 2017. Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 15, 2019.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas or John McGowan, 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) 482–3813 and (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 2017, Commerce published a notice of initiation of an administrative review of the countervailing duty (CVD) order on finished carbon steel flanges (steel flanges) from India.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[2] On June 5, 2019, and September 20, 2019, Commerce extended the deadline for issuing the preliminary results of this review.[3] The revised deadline for these *Preliminary Results* is now October 9, 2019. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4] A list of topics discussed in the Preliminary Decision Memorandum is included at the Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is steel flanges. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Norma and RNG were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Norma and RNG using publicly-ranged sales data submitted by the respondents. This is consistent with the methodology that we would use in an investigation to establish the all-others rate, consistent with section 705(c)(5)(A) of the Act.

Preliminary Results of Review

In accordance with 19 CFR 351.224(b)(4)(i), we calculated individual subsidy rates for Norma and RNG. For the period November 29, 2016 through December 31, 2017, we preliminarily determine that the following net subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Norma (India) Ltd[6]	6.56
R.N. Gupta & Co. Ltd	4.79
Adinath International	5.63
Allena Group	5.63
Alloyed Steel	5.63
Bebitz Flanges Works Private Limited	5.63
C.D. Industries	5.63
CHW Forge	5.63
CHW Forge Pvt. Ltd	5.63
Citizen Metal Depot	5.63
Corum Flange	5.63
DN Forge Industries	5.63
Echjay Forgings Limited	5.63
Falcon Valves and Flanges Private Limited	5.63
Heubach International	5.63
Hindon Forge Pvt. Ltd	5.63
Jai Auto Pvt. Ltd	5.63
Kinnari Steel Corporation	5.63
M F Rings and Bearing Races Ltd	5.63
Mascot Metal Manufactures	5.63
OM Exports	5.63
Punjab Steel Works (PSW)	5.63
R.D. Forge	5.63
Raaj Sagar Steel	5.63
Ravi Ratan Metal Industries	5.63

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[1] *See Finished Carbon Steel Flanges from India: Countervailing Duty Order,* 82 FR 40138 (August 24, 2017) (*Order*).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See* Memoranda, ''Finished Carbon Steel Flanges from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 11/29/2016–12/31/2017,'' dated June 5, 2019; and ''Finished Carbon Steel Flanges from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 11/29/2016–12/31/2017,'' dated September 20, 2019.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *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.

[6] We note that cross-ownership exists between Norma (India) Ltd., USK Export Private Limited (USK), Uma Shanker Khandelwal and Co., (UMA) and Bansidhar Chiranjilal (BCL). *See* Preliminary Decision Memorandum at 8–9.

Company	Subsidy rate (percent *ad valorem*)
Rolex Fittings India Pvt. Ltd	5.63
Rollwell Forge Pvt. Ltd	5.63
SHM (ShinHeung Machinery)	5.63
Siddhagiri Metal & Tubes	5.63
Sizer India	5.63
Steel Shape India	5.63
Sudhir Forgings Pvt. LTd	5.63
Tirupati Forge	5.63

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Rate

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[7] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[8] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[10] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[11] Issues addressed during the hearing will be limited to those raised in the briefs.[12] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: October 8, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Period of Review
V. Use of Facts Otherwise Available and Application of Adverse Inferences
VI. Subsidies Valuation Information
VII. Benchmark Interest Rates
VIII. Analysis of Programs
IX. Conclusion

[FR Doc. 2019–22430 Filed 10–11–19; 8:45 am]

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[7] *See* 19 CFR 224(b).

[8] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[9] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310.

[12] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Voluntary Laboratory Accreditation Program (NVLAP); Workshop for Establishing the System Integration Testing and Operational/User Acceptance Testing Accreditation Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Announcement of public workshop.

SUMMARY: The National Institute of Standards and Technology (NIST) announces a public workshop to be held on November 19, 2019, at Joint Base Langley-Eustis, Hampton Virginia. The purpose of the workshop is the exchange of information among the National Voluntary Laboratory Accreditation Program (NVLAP), the United States Department of Defense (DoD), and any national and federal laboratories interested in seeking accreditation to perform System Integration Testing (SIT) and Operational/User Acceptance Testing (OAT/UAT).

DATES: The workshop will be held 9:00 a.m.–4:00 p.m. Eastern Time on November 19, 2019.

ADDRESSES: The meeting will be held at the Creech Conference Center (Amphitheater), located at 190 Dodd Boulevard, Joint Base Langley-Eustis, Virginia 23665. Please note registration and admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Brad Moore, Program Manager, NIST/NVLAP, 100 Bureau Drive, Stop 2140, Gaithersburg, MD 20899–2140, *Phone:* (301) 975–5740 or email: *bradley.moore@nist.gov.*

Information regarding the National Voluntary Laboratory Accreditation Program (NVLAP) and the accreditation process can be obtained from *http://www.nist.gov/nvlap.*

SUPPLEMENTARY INFORMATION: The U–2 Federal Laboratory requested that NIST establish a laboratory accreditation program to evaluate the technical qualifications and competence of DoD laboratories performing System Integration Testing (SIT) and Operational/User Acceptance Testing (OAT/UAT) in support of Federal Major Weapon Systems (MWS). NIST will hold a public workshop to solicit comments on the proposed establishment of this laboratory accreditation program. The public

workshop will also solicit input for the technical requirements necessary for such a laboratory accreditation program. The purpose of the proposed Federal Major Weapon Systems (MWS) Laboratory Accreditation Program would be to evaluate testing laboratories' technical competencies against known standards and testing criteria that will ultimately be used to provide confidence in the performance of these laboratories to test weapon systems. Test methods proposed are test and evaluation methods ascribed by the International Software Testing Qualifications Board (ISTQB) and American Software Testing Qualifications Board (ASTQB). Other guidance proposed for this potential accreditation program include Department of Defense Instructions (DoDI), service-specific instructions, as well as additional defense standards regarding information assurance, cyber security, airworthiness, and military standards and specifications (MIL–STD/MIL–SPEC). Additional standards may be identified throughout any development of the accreditation program technical requirements.

This notice is issued in accordance with NVLAP procedures and general requirements, found in 15 CFR part 285.

NVLAP provides an unbiased, third-party evaluation and recognition of competence. NVLAP accreditation signifies that a laboratory has demonstrated that it operates in accordance with NVLAP management and technical requirements pertaining to management systems, personnel, accommodation and environment, test and calibration methods, equipment, measurement traceability, sampling, handling of test and calibration items, and test and calibration reports.

NVLAP accreditation does not imply any guarantee (certification) of laboratory performance or test/calibration data. NVLAP accreditation is a finding of laboratory competence.

All visitors are required to pre-register by close of business Friday, November 8, 2019. To pre-register and for access to Joint Base Langley-Eustis, please send the following information to *99RS.RND.LAB@us.af.mil:*

✓ For Department of Defense employees in possession of a valid Common Access Card (CAC), please include the following information:

- Visitor Name (Last, First Middle)
- Rank (or if contractor; Contract Number)
- Service/Organization

✓ For Non-Department of Defense employees, please include the following information:

- Visitor Name (Last, First Middle)
- Birthdate (MMDDYY)
- State of Driver's License or State ID (State Only)
- State of Driver's License or State ID (Number)

All visitors are subject to a background check conducted by Security Forces and Air Force Office of Special Investigations. We regret to inform that we are unable to process incomplete requests.

Authority: 15 U.S.C. 272 *et seq.*

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–22412 Filed 10–11–19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR057

Endangered and Threatened Species; Announcement of a Recovery Planning Workshop and Request for Information To Inform Recovery Planning for the Oceanic Whitetip Shark

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

ACTION: Notice; request for information.

SUMMARY: We, NMFS, are convening a workshop to solicit facts and information from experts to inform recovery planning for the oceanic whitetip shark (*Carcharhinus longimanus*). We will not be asking for a consensus recommendation on how to recover the oceanic whitetip shark. This workshop will be open to the public. We also request information that might inform the development of the recovery plan.

DATES:

Workshop dates and information: The two-day recovery planning workshop for the oceanic whitetip shark will be held Wednesday, November 13 through Thursday, November 14, 2019 at Florida International University Biscayne Bay Campus, Marine Science Building Room #105, 3000 NE 151 Street, Miami, FL 33181. The workshop will begin each day at 9 a.m. and end each day at 5 p.m. or as necessary to complete business for the day.

RSVP date: If you plan to attend the workshop as an interested member of the public, please contact Chelsey Young, NMFS, Office of Protected Resources, *chelsey.young@noaa.gov,* 301–427–8491 no later than November 6, 2019.

Date for information submission: Please submit information to inform recovery planning via the methods listed below in the **ADDRESSES** section by December 16, 2019.

ADDRESSES: You may submit information to help inform the recovery plan for the oceanic whitetip shark, by including NOAA–NMFS–2019–0024, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0024.* Click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Chelsey Young, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13632, Silver Spring, MD 20910.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Chelsey Young, NMFS, Office of Protected Resources, (301) 427–8491, *chelsey.young@noaa.gov;* or John Carlson, NMFS, Southeast Fisheries Science Center, (850) 624–9031, *john.carlson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 30, 2018, we published a final rule listing the oceanic whitetip shark as threatened under the Endangered Species Act (ESA) (83 FR 4153). The final listing rule describes the background of the listing action for the species and provides a summary of our conclusions regarding its status. For additional background and a summary of natural history and threats to the species, the reader is referred to the status review report and final listing rule (available at *https://www.fisheries.noaa.gov/species/oceanic-whitetip-shark*).

NMFS is required by section 4(f) of the ESA to develop and implement recovery plans for the conservation and

survival of federally listed species unless the Secretary finds that such a plan will not promote the conservation of the species. Recovery means improvement in the status of the species to the point at which the protections of the ESA are no longer necessary. The ESA specifies that recovery plans are to include (1) a description of site-specific management actions necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in the species being removed from the list; and (3) estimates of the time and costs required to carry out the actions and achieve the plan's conservation goals. Under section 4(f) of the ESA, public notice and an opportunity for public review and comment are also provided during recovery plan development. This notice and request for information serves as the first public notice and opportunity for public input early in the process. Once a recovery plan has been drafted, it will be announced in the **Federal Register** and available on our website (see **ADDRESSES** section) for public review and comment before being finalized.

Recovery Planning Workshop Announcement

From November 13 through 14, 2019, NMFS will hold a workshop at the Florida International University Biscayne Bay Campus in Miami, FL to help inform our recovery planning for the oceanic whitetip shark (see **DATES** section). We are inviting experts in specific topic areas, including the species' biology/ecology, threats to the species and the species' habitat, and the recovery planning process itself. These experts will help us to identify potential actions to address the threats to the species, identify gaps in knowledge and associated research needs, as well as begin developing recovery criteria for the species. In particular, this workshop will focus on addressing threats related to commercial fisheries interactions. Identified experts include representatives of Federal and state agencies, scientific experts, individuals from conservation partners and nongovernmental organizations, and commercial and recreational fishermen. Information received at the workshop may be used to inform the development of other conservation decisions and actions, including the designation of critical habitat.

NMFS will provide a moderator to manage the workshop as well as a note taker to document input received. We are seeking facts and information; we will not be asking for consensus recommendations on how to recover the oceanic whitetip shark. During the workshop, there will also be a time-limited question and answer period during which attendees may ask NMFS about information presented. NMFS will prepare a summary of the workshop, noting the main points raised by the panelists and registered speakers.

This workshop will be open to the public, and a public comment period will be provided at the end of each day. If you plan to attend the workshop as an interested member of the public, please contact Chelsey Young at the address listed above by November 6, 2019, so we can ensure sufficient space for all participants and interested parties during our logistics planning.

Agenda

- November 13 will focus on the biology, status and threats to the species and discussions regarding potential recovery criteria;
- November 14 will focus on recovery actions related to commercial fisheries interactions, research to fill in data gaps, international coordination, outreach and education, and any other needs.

Request for Information

We also invite the public to submit scientific or commercial information that may help to inform the recovery criteria and actions for the oceanic whitetip shark. We are soliciting relevant information related to the species and its habitat, including the following:

1. Criteria for removing the oceanic whitetip shark from the list of threatened and endangered species (this could be either threats-based or abundance/trends based);
2. Human activities that contribute to threats to the species;
3. Physical, biological or chemical features of the environment that limit the recovery of the oceanic whitetip shark;
4. Recovery strategies addressing threats to physical and biological features that are essential to species conservation;
5. Strategies and/or actions to recover the oceanic whitetip shark;
6. Estimates of the time and cost, and potential partners to implement recovery actions;
7. Critical knowledge gaps and/or uncertainties that need to be resolved to better inform recovery efforts; and
8. Research, monitoring, and evaluation needs to address knowledge gaps and uncertainties, or to assess the species' status, limiting factors, and threats relative to recovery goals.

Information may be submitted via the methods listed above in the **ADDRESSES** section.

The workshop is accessible to persons with disabilities. Send requests for sign language interpretation or other auxiliary aids at least five business days in advance to Chelsey Young at (301) 427–8491.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: October 9, 2019.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–22441 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV105

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 (Pacific Council) will convene a webinar meeting of its Groundfish Management Team (GMT) to discuss items on the Pacific Council's November 2019 meeting agenda. The meeting is open to the public.

DATES: The webinar meeting will be held November 5, 2019, from 12 p.m. to 4 p.m. Pacific Standard Time. The scheduled ending time for the GMT webinar is an estimate, the meeting will adjourn when business for the day is completed.

ADDRESSES: This meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar: (1) Join the GoToWebinar by visiting this link *https://www.gotomeeting.com/webinar* (Click ''Join a Webinar'' in top right corner of page), (2) Enter the Webinar ID: 639–796–027 and (3) enter your name and email address (required). After logging into the webinar, you must use your telephone for the audio portion of the meeting. Dial this TOLL number 1–562–247–8422, enter the Attendee phone audio access code 474–152–934, and enter your audio phone pin (shown after joining the webinar). System Requirements: for PC-based attendees: Required: Windows® 10, 8, 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; for Mobile attendees: Required: 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 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.

FOR FURTHER INFORMATION CONTACT: Todd Phillips, Staff Officer; telephone: (503) 820–2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT webinar is to prepare for the Pacific Council's November 2019 agenda items and develop recommendations for consideration by the Pacific Council. The GMT will discuss items related to groundfish management and administrative Pacific Council agenda items. A detailed agenda for the webinar will be available on the Pacific Council's website prior to the meeting. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT.

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 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 GMT's 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, (503) 820–2411, at least 10 days prior to the meeting date.

Dated: October 9, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–22402 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV107

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) Habitat Committee (HC) will hold a meeting via webinar, which is open to the public.

DATES: The webinar will be held Wednesday, October 30, 2019 at 9 a.m., Pacific Daylight Time, and will end at noon on the same day.

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/webinar* (click ''Join'' in top right corner of page); (1) Enter the Webinar ID: 536–450–845; (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 (224)–501–3412; (3) Enter the Attendee phone audio access code: 536–450–845. *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: Jennifer Gilden, Pacific Council; telephone: (503) 820–2418.

SUPPLEMENTARY INFORMATION: Major topics include but are not limited to habitat-related topics, including letters for Pacific Council approval on the Central Valley Project and Klamath dam removal, the Jordan Cove Liquified Natural Gas project, Bureau of Ocean Energy Management activities, a brief planning discussion regarding southern resident killer whale habitat, and other matters.

The group may also address one or more of the Pacific Council's scheduled administrative matters, legislative matters, ecosystem topics, groundfish topics, and future workload planning. Public comments during the webinar will be received from attendees at the discretion of the HC 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.

Dated: October 9, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–22404 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[0648–XR060]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt of fourteen permit applications for enhancement and monitoring purposes, including an associated Template Safe Harbor Agreement and site plans developed for the proposed enrolled properties.

SUMMARY: We, NMFS, announce receipt of 14 (Permit Numbers 23271, 23276, 23278, 23279, 23280, 23284, 23285,

23286, 23287, 23288, 23289, 23290, 23291, 23434) applications for enhancement of survival permits under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), and proposed entry into an associated Template Safe Harbor Agreement (Agreement) between the applicants and NMFS. The proposed enhancement of survival permits and Agreement are intended to promote the survival and recovery of the Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) Evolutionary Significant Unit (ESU), which is listed as threatened under the ESA.

DATES: Comments or requests for a public hearing on the actions proposed in the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on November 14, 2019.

ADDRESSES: Written comments on the applications should be submitted to the California Coastal Office, NMFS, 1655 Heindon Road, Arcata, CA 95521 707–822–7201. Comments may also be submitted via fax to 707–822–4840, or by email to *Shasta.sha@noaa.gov* (include the permit numbers in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Jim Simondet, Arcata, CA (ph.: 707–822–7201; Fax: 707–825–4840; email: *Shasta.sha@noaa.gov.*) Permit application are available upon request through the contact information above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in this Notice

The following ESA-listed species is covered in this notice:

- Threatened coho salmon (*Oncorhynchus kisutch*): Southern Oregon/Northern California Coast (SONCC) Evolutionary Significant Unit (ESU)

Authority

Enhancement permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1539(a)(1)(A)) and regulations governing listed fish and wildlife permits (50 CFR part 222, subpart C). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; (3) are consistent with the purposes and policies of Section 2 of the ESA; (4) would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species; and additional issuance criteria (as listed at 50 CFR 222.308(c)(5–12)). The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Permit Applications Received

Fourteen applicants are requesting individual enhancement of survival permits and entry of an associated Agreement that was developed by NMFS, California Department of Fish and Wildlife (CDFW), the Shasta Watershed Conservation Group (SWCG) and the Applicants. The 14 Applicants (Table 1) each developed site plans for their respective properties (*i.e.,* Enrolled Properties) that describe management activities that will be implemented, including beneficial activities for SONCC coho salmon (the covered species). The site plans, Agreement, and enhancement of survival permits are expected to promote the recovery of the covered species on non-Federal property within the Shasta River in the Agreement Area (see Figure 1 in the Agreement). The Shasta River is a tributary to the Klamath River and is in Siskiyou County, California. The proposed duration of the Agreement and the associated enhancement of survival permits is 20 years. The proposed enhancement of survival permits would authorize the incidental taking of SONCC coho salmon that may be associated with covered activities, including beneficial management activities, routine ranch management activities, and the potential future return of the enrolled properties to baseline conditions at the end of the Agreement, as defined in the Agreement. The site plans and Agreement specify the beneficial management activities to be carried out on the enrolled properties and a schedule for implementing those activities. The site plan and Agreement are expected to promote the recovery of SONCC coho salmon within the Shasta River within the Agreement Area.

Applicant	Permit No.	Enrolled property
Outpost North Annex	23271	Belcampo-North Annex Property, 8030 Siskiyou Blvd, Grenada, CA 96038.
California Department of Fish and Wildlife.	23276	Big Springs Ranch Wildlife Area, 41°35′44.76 N, 122°27′31.52 W.
Cardoza Ranch	23278	Cardoza Ranch, 3710 East Louie Road, Montague, CA 96064.
Edson Foulke Ditch Company	23279	Edson-Foulke Point of Diversion, 41°43′52.6 N, 122°47′46.8 W.
Grenada Irrigation District	23280	Grenada Irrigation District, Point of Diversion 41°38′11.56″ N, 122°29′22.88 W.
2019 Lowell L. Novy Revocable Trust.	23284	Grenada-Novy Ranch, Gazelle—19931 Old Hwy 99 S, Gazelle, CA 96034, Grenada—2426 County Hwy A–12, Grenada, CA 96034.
Hidden Valley Ranch	23285	Hidden Valley Ranch, 13521 Big Springs Road, Montague, CA 96064.
Emmerson Investments, Inc	23286	Hole-in-the-Ground Ranch, 11825 Big Springs Road, Montague, CA 96064.
Montague Water Conservation District.	23287	Montague Water Conservation District, N. 52°, 43′ E., approximately 2601 feet from SW corner of Section 25, T43N, R5W, MDB&M, being within the NE¼ of SW¼ of said Section 25
NB Ranches, Inc	23434	Nicoletti Ranch, 1824 DeSouza Lane, Montague, CA and 2238 DeSouza Lane, Montague, CA.
Outpost Mole Richardson	23288	Parks Creek Ranch, 25801 Old Hwy 99, Weed, CA 96094.
Rice Livestock Company	23289	Rice Livestock Company, 1730 County Highway A12, Montague, CA.
Emmerson Investments, Inc	23290	Seldom Seen Ranch, 41°54′63.2 N, 122°38′35.7 W.
Emmerson Investments, Inc	23291	Shasta Springs Ranch, 21305 Slough Road, Weed, CA 96094.

Under U.S. Fish and Wildlife Service and NMFS' joint Safe Harbor Policy (64 FR 32717, June 17, 1999), Safe Harbor Agreements provide incentives to property owners to restore, enhance, or maintain habitats and/or populations of

listed species that result in a net conservation benefit to these species. Under the policy, landowners are provided certainty relative to future property-use restrictions, even if their conservation efforts attract listed species onto enrolled properties or increase the numbers or distribution of listed species already present. Subject to specifications in the relevant documents, these regulatory assurances allow the landowners to alter or modify enrolled property, even if such alteration or modification results in the incidental take of a listed species to such an extent that it returns the species back to the originally agreed upon baseline conditions. NMFS reviewed each present baseline and elevated baseline determination in each site plan. The site plans and Agreement also contain a monitoring component that requires the Applicants to ensure compliance with the terms and conditions, and that the specified baseline levels of habitat for the covered species is maintained on the enrolled property. Results of the monitoring efforts will be provided to NMFS by the Applicants in an annual report for the duration of the 20-year permit term.

Upon approval of the Agreement and site plans, and consistent with the Safe Harbor Policy, NMFS will issue enhancement of survival permits to the Applicants. The enhancement of survival permits will authorize the Applicants to take SONCC coho salmon incidental to the implementation of the covered activities specified in the site plans and Agreement, incidental to other lawful uses of the enrolled property, and to return to present baseline and elevated baseline conditions, if desired, at the end of the site plans and Agreement. In addition to meeting other criteria, actions to be performed under the enhancement of survival permit must not jeopardize the existence of federally listed species.

National Environmental Policy Act

Issuing an ESA section 10(a)(1)(A) permit constitutes a Federal action requiring NMFS to comply with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) as implemented by 40 CFR parts 1500–1508 and NOAA Administrative Order 216–6, Environmental Review Procedures for Implementing the National Policy Act (1999). NMFS will evaluate the application(s) and determine the level of NEPA analysis needed for this action.

Public Comments Solicited

NMFS invites the public to comment, including any written data, views, or arguments, on the permit applications during a 30-day public comment period beginning on the date of this notice. This notice is provided pursuant to Section 10(c) of the ESA (16 U.S.C. 1539(c)), 50 CFR 222.303. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Next Steps

NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of Section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will also meet other legal requirements prior to taking final action, including preparation of a biological opinion. NMFS will publish notice of its final action in the **Federal Register**.

Dated: October 9, 2019.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–22428 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV104

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 60 South Atlantic Red Porgy Data Webinar.

SUMMARY: The SEDAR 60 assessment of the South Atlantic stock of Red Porgy will consist of a data webinar, an in-person workshop, and a series assessment webinars.

DATES: The SEDAR 60 Red Porgy Data Webinar has been scheduled for Friday, November 15, 2019, from 10:30 a.m. to 12:30 p.m.

ADDRESSES:

Meeting Address: The meeting will be held via webinar. The webinar is open to members of the public. Registration is available online at: *https://attendee.gotowebinar.com/register/7129924289729240331*

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 SEDAR 60 Red Porgy Data webinar are as follows:

- Review of data
- Discussion of preliminary data issues

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 South Atlantic Fishery Management Council 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: October 9, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–22401 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV106

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold scoping meetings via webinar pertaining to Amendment 11 to the Shrimp Fishery Management Plan (FMP) for the South Atlantic Region. The amendment addresses cold-weather transit provisions for shrimp trawlers crossing areas closed due to cold weather.

DATES: The public scoping meetings will be held via webinar on November 5 and November 7, 2019.

ADDRESSES: The meetings will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The scoping meetings will be conducted via webinar beginning at 7 p.m. Registration for the webinars is required. Registration information, a public scoping document, public comment form and any additional information will be posted on the Council's website at *https://safmc.net/safmc-meetings/public-hearings-scoping-meetings/* as it becomes available.

Amendment 11 to the Shrimp FMP

The draft amendment proposes modifications to current transit provisions during cold-weather closures of the fishery. Current regulations include provisions that trawl doors be stowed below deck while transiting closed areas. The transit provision is applicable out 25 nautical miles when adjacent state waters are closed. The transit provisions have not been changed since being enacted in 1994. Fishermen have indicated they can no longer store gear below deck due to more recent changes to vessel design and have also expressed concerns about having to use the ocean for transit more often as the Intracoastal Waterway depths are not being maintained for waterway transit.

During the scoping meetings, Council staff will present an overview of the draft amendment and will be available for informal discussions and to answer questions via webinar. Members of the public will have an opportunity to go on record to record their comments for consideration by the Council.

Public comment will also be accepted using the online comment form available at: *https://safmc.net/safmc-meetings/public-hearings-scoping-meetings/* or may be addressed to Gregg Waugh, Executive Director, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 20405. Comments must be submitted by 5 p.m. on November 8, 2019.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the public hearings.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 9, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–22403 Filed 10–11–19; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Wednesday, October 16, 2019.

PLACE: CFTC Headquarters, Lobby-Level Hearing Room, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') will hold this meeting to consider the following matters:

- Notice of Proposed Rulemaking—Amendment to Regulation 23.161—Compliance Schedule Extension; and
- Notice of Proposed Rulemaking—Amendments to the Margin Rule for Uncleared Swaps—23.151 and 23.157.

The agenda for this meeting will be available to the public and posted on the Commission's website at *https://www.cftc.gov.* In the event that the time, date, or place of this meeting changes, an announcement of the change, along with the new time, date, or place of the meeting, will be posted on the Commission's website.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, Secretary of the Commission, 202–418–5964.

Authority: 5 U.S.C. 552b.

Dated: October 9, 2019.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2019–22476 Filed 10–10–19; 11:15 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, October 16, 2019; 10:00 a.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East-West Highway, Bethesda, MD 20814

STATUS: Commission Meeting—Open to the Public

MATTER TO BE CONSIDERED: Decisional Matter: Fiscal Year 2020 Operating Plan

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504–7479.

Dated: October 9, 2019.

Alberta E. Mills,

Secretary.

[FR Doc. 2019–22478 Filed 10–10–19; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0012]

Voluntary State Tax Withholding From Retired Pay

AGENCY: Office of the Under Secretary of Defense (Comptroller), DoD.

ACTION: Notice.

SUMMARY: It is the policy of the Uniformed Services to accept written requests from current and former members for voluntary State income tax withholding from monthly retired or retainer pay when the Department has an agreement for such withholding with the State named in the request. Rather than an unnecessary part in the Code of Federal Regulations (CFR), this notice provides administrative-type information to those members and States interested in applying for or engaging in this tax withholding arrangement.

DATES: This action is applicable on November 14, 2019.

FOR FURTHER INFORMATION CONTACT: Kellie Allison at 703–614–0410.

SUPPLEMENTARY INFORMATION: Title 32 CFR part 78, ''Voluntary State Tax Withholding from Retired Pay,'' set forth DoD's policies and procedures on the voluntary state income tax withholding from the monthly retired or retainer pay of a member or former member of the Uniformed Services. DoD published a direct final rule to remove 32 CFR part 78 elsewhere in this issue of the **Federal Register** that will become effective 30 days from publication unless significant adverse comment is received which would result in a contrary determination. Should DoD receive a significant adverse comment, the Department will withdraw both direct final rule and this notice by publishing another notice in the **Federal Register**. It was determined that part 78 was unnecessary because it restated current law, 10 U.S.C. 1045; set forth internal policy and procedures; and conveyed to the public administrative and procedural information that does not require rulemaking. Instead, this notice informs the public of pertinent administrative information concerning the request for state tax withholding in lieu of part 78.

A retiree may request voluntary State income tax withholding from their retired or retainer pay. The withholding amount requested must be in a whole dollar amount and at least $10, or the state's minimum, if that amount is higher.

To efficiently and accurately implement the request, it should include the member's full name, signature, Social Security number, the fixed amount withheld monthly from retired pay, the state designated to receive the withholding, and the member's current address. The retiree may submit the request by sending a completed DoD Form 2656, ''Data for Payment of Retired Personnel'' (only sections I and VII of the form need to be completed), a letter, an email, or fax to the U.S. Military Retired Pay office, or submit the request through the member's myPay account. If using myPay, the member's signature is not required. In the case of incompetence, the member's guardian or trustee must sign the request.

Current guidance, including the addresses and other information for the U.S. Military Retired Pay offices can be found in the DoD Financial Management Regulation, Volume 7B, Chapter 26, ''State Taxes,'' that is available at *http://comptroller.defense.gov/Portals/45/documents/fmr/current/07b/07b_26.pdf* (most recently updated in July 2018).

A State requesting an agreement for the voluntary withholding of State tax from the retired pay of members of the Uniformed Services shall address a letter to the Director, Defense Finance and Accounting Service, 1931 Jefferson Davis Highway, Arlington, VA 22240. The Department of Defense shall enter into a Standard Agreement within 120 days of a request for agreement from the proper State official. This agreement shall provide that the Uniformed Services shall withhold State income tax from the monthly retired pay of any member who voluntarily requests such withholding in writing. In the Standard Agreement, States are allowed to terminate the Agreement within 45 days of any amendment, modification, supplement, or change to the procedures for withholding.

States shall indicate, in writing, agreement to follow the provisions of the DoD FMR, Volume 7B, Chapter 26. If a State proposes an agreement that varies from the Standard Agreement, the State shall indicate, in writing, to the Director, Defense Finance and Accounting Service which provisions of the Standard Agreement are not acceptable and propose substitute provisions.

To be effective, the letter must be signed by a State official authorized to bind the State under an agreement for tax withholding. Copies of applicable State laws that authorize employers to withhold State income tax and authorize the official to bind the State under an agreement for tax withholding shall be enclosed with the letter. The letter also shall indicate the title and address of the official whom the Uniformed Services may contact to obtain information necessary for implementing withholding.

Within 120 days of the receipt of a letter from a State, the Director, Defense Finance and Accounting Service, or designee, will notify the State, in writing, that DoD has either entered into the Standard Agreement or that an agreement cannot be entered into with the State and the reasons for that determination.

Dated: October 3, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–21968 Filed 10–11–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0096]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) Main Study First Follow-Up (MS2) Data Collection

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 14, 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–0096. 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 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377 or email *NCES.Information.Collections@ed.gov.*

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: Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) Main Study First Follow-up (MS2) Data Collection.

OMB Control Number: 1850–0911.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 81,782.

Total Estimated Number of Annual Burden Hours: 41,105.

Abstract: The Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) is the first study conducted by the National Center for Education Statistics (NCES) to follow a nationally representative sample of students as they enter and move through the middle grades (grades 6–8). The data collected through repeated measures of key constructs will provide a rich descriptive picture of the academic experiences and development of students during these critical years and will allow researchers to examine associations between contextual factors and student outcomes. The study focuses on student achievement in mathematics and literacy along with measures of student socioemotional wellbeing and other outcomes. The study includes students with disabilities for whom descriptive information on their outcomes, educational experiences, and special education services are being collected. The MGLS:2017 Main Study (MS) Base Year (MS1) data collection took place from January to August 2018. The Main Study First Follow-up (MS2) recruitment, which began in began in January 2019, was approved in December 2018 with the latest update approved in May 2019 (OMB# 1850–0911 v.21–23). This submission is to conduct the MS2 data collection from January through July 2020 (when most sample students will be in the eighth grade).

Dated: October 9, 2019.

Kathy Axt,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–22413 Filed 10–11–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–264–D]

Application to Export Electric Energy; ENMAX Energy Marketing Inc.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: ENMAX Energy Marketing Inc. (Applicant or ENMAX) has applied to renew its authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before November 14, 2019.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 8, 2014, DOE issued Order No. EA–264–C, which authorized ENMAX to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authorization expires on October 8, 2019. On September 30, 2019, ENMAX filed an application with DOE for renewal of the export authorization contained in Order No. EA–264–C for an additional five-year term.

The application states that ''ENMAX and its affiliates have no franchised service territory in the United States, nor do they own or control generation or transmission assets in the United States.'' The electric energy that the Applicant proposes to export to Canada would be purchased from third parties, such as Canadian utilities, power marketers and end-use customers, pursuant to voluntary agreements. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the

application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning ENMAX's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–264–D. An additional copy is to be provided directly to Jay Dyson, ENMAX Corporation, 141–50 Avenue SE, Calgary, AB T2G 4S7.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Signed in Washington, DC, on October 8, 2019.

Christopher Lawrence,

Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

[FR Doc. 2019–22432 Filed 10–11–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Proposed Subsequent Arrangement

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than October 30, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Oehlbert, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–3806 or email: *sean.oehlbert@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This proposed subsequent arrangement concerns the retransfer of 18,742 grams uranium, 129 grams U-235, and 230 grams plutonium of United States origin contained in irradiated fuel rods, from KEPCO Nuclear Fuel Co., Ltd. in Daejon, Republic of Korea, to Studsvik Nuclear AB, in Nykoping, Sweden. The irradiated fuel rods, which are currently located at KEPCO Nuclear Fuel Co. in Daejon, Republic of Korea, will be used for testing the fuel cladding, guide tubes, and spacer grids by Studsvik Nuclear AB, in Nykoping, Sweden. After testing, the irradiated fuel rods will be stored at Studsvik Nuclear AB, in Nykoping, Sweden for a period of five years, after which the fuel rods will be moved to permanent disposal. Upon transfer to Sweden, the irradiated fuel rods will be subject to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States of America and the European Atomic Energy Community.

Pursuant to the authority in section 131 a. of the Atomic Energy Act of 1954, as delegated, I have determined that this proposed subsequent arrangement concerning the retransfer of irradiated nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: September 12, 2019.

For the Department of Energy.

Brent K. Park,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2019–22431 Filed 10–11–19; 8:45 am]

BILLING CODE 6450–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Review of Proposed Guidelines for Assessing Additionality Related To Providing EXIM's Support for Medium and Long Term Export Transactions; Extension of Comment Period

On September 9, 2019, EXIM announced its proposed guidelines for determining Additionality on requests the Bank receives to support export transactions with repayment amortizing over the medium or long term and invited public comment on FR Doc. 2019–19345 within 30 days of the date the notice appeared in the **Federal Register**. EXIM is extending the comment period on FR Doc. 2019–19345 an additional 15 days to October 23, 2019. The proposed guidelines can be viewed at: *https://www.exim.gov/Additionality.guidance.* Interested parties may submit comments to *additionality.review@exim.gov* or by mail to 811 Vermont Avenue NW, Room

Joyce Stone,

Program Specialist, Office of the General Counsel.

[FR Doc. 2019–22362 Filed 10–11–19; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

Review of Economic Impact Procedures and Methodology; Extension of Comment Period

On September 9, 2019, the Export-Import Bank of the United States (EXIM) announced its intention to review the Bank's Economic Impact Procedures and Methodology and sought public comment on FR Doc. 2019–19344 within 30 days of the date the notice appeared in the **Federal Register**. EXIM is extending the comment period on FR Doc. 2019–19344 an additional 15 days to October 23, 2019. EXIM's current Economic Impact Procedures can be accessed at: *https://www.exim.gov/sites/default/files/newsreleases/Final-April-2013-Procedures.pdf.* Interested parties may submit comments to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue NW, Room 1257, Washington, DC 20571.

Joyce Stone,

Program Specialist, Office of the General Counsel.

[FR Doc. 2019–22358 Filed 10–11–19; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before November 14, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Toll Free Number Auctions.

Form Number: FCC–5633.

Type of Review: New information collection.

Respondents: Individuals or Households, Business or other for-profit, Not-for-profit Institutions, Farms and/or Federal, State, Local and/or Tribal government agencies.

Number of Respondents and Responses: 1,220 respondents; 1,220 responses.

Estimated Time per Response: 0.084 hours (5 minutes)—0.166 hours (10 minutes).

Frequency of Response: On occasion and one-time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 251(e)(1).

Total Annual Burden: 105 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: The Commission is preparing to conduct a Privacy Act Impact Assessment (PIA).

Nature and Extent of Confidentiality: The Commission is not requesting that respondents for this information collection (LOA and Secondary Market) submit confidential information to the FCC. For individuals, the Privacy Act, 5 U.S.C. 552a, is the statutory authority for confidentiality and it applies to this information collection. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On September 27, 2018, the Commission released a *Report and Order* in WC Docket No. 17–192, FCC 18–137 (*Report and Order*). In the *Report and Order,* the Commission established competitive bidding as a toll free number assignment method, and called for an auction for select numbers in the toll free code 833 as an experiment to test this method. To verify the relationship between the responsible organization (RespOrg) and the potential subscriber, a Letter of Authorization (LOA) is required during the bidding process. Additionally, a key component to the effectiveness of the auction is the adoption of a post-auction secondary market (Secondary Market) for the sale of the rights to use 833 code toll free numbers. Collecting data on Secondary Market transactions will allow the Commission to evaluate the entire experimental auction process and determine the potential use of competitive bidding in future toll free number assignments.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–22425 Filed 10–11–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0526]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the

Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 16, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0526.

Title: Section 69.123, Density Pricing Zone Plans, Expanded Interconnection With Local Telephone Company Facilities.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 13 respondents; 13 responses.

Estimated Time per Response: 48 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 154(j), 201–205, 303(r), and 403.

Total Annual Burden: 624 hours.

Total Annual Cost: $12,480.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No information of a confidential nature is being sought. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission requires Tier 1 local exchange carriers (LECs) to provide expanded opportunities for third party interconnection with their interstate special access facilities. The LECs are permitted to establish a number of rate zones within study areas in which expanded interconnection are operational. In a previous rulemaking, Fifth Report and Order, CC Docket No. 96–262, the Commission allowed price cap LECs to define the scope and number of zones within a study area. These LECs must file and obtain approval of their pricing plans which will be used by FCC staff to ensure that the rates are just, reasonable and nondiscriminatory.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–22423 Filed 10–11–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1192]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 16, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1192.

Title: Survey of Urban Rates, DA 13–598.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 2,275 respondents; 2,275 responses.

Estimated Time per Response: 3 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 254(b).

Total Annual Burden: 6,825 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. Also, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: In April 2013, the Wireline Competition Bureau of the Federal Communications Commission adopted an Order (Order), in WC Docket No. 10–90; DA 13–598, 78 FR 29063, Connect America Fund. The Order adopted the form and content for a survey of urban rates for fixed voice and fixed broadband residential services for

purposes of implementing various reforms adopted as part of the USF/ICC Transformation Order, 76 FR 73830, November 29, 2011. The information collected in this survey will be used to help ensure that universal service support recipients offering fixed voice and broadband services do so at reasonably comparable rates to those in urban areas. The comparability requirements are important components of the Commission's overall effort to improve accountability for the use of universal service funding. The comparability requirements will ensure that rates are reasonably comparable for voice as well as broadband service, between urban and rural, insular, and high cost areas. Rates must be reasonably comparable so that consumers in rural, insular, and high cost areas have meaningful access to these services. This Order requires a statistically valid sample of urban providers to complete a survey with information regarding the types and prices of their offerings. The Commission conducts this survey through an online reporting form accessible to those urban providers of fixed voice and broadband services that are chosen to participate.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–22422 Filed 10–11–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice; Correction

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice; correction.

SUMMARY: This document corrects the phone number listed in a Sunshine Act Notice published in the **Federal Register** of October 7, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935.

SUPPLEMENTARY INFORMATION:

Correction

In Sunshine Act Notice FR Doc. 2019–22005, on page 53440 in the issue of October 7, 2019, in the second column, the phone number listed under the heading ''Phone Number for Listening to Meeting'' 1–(866) 867–4769 is corrected to read ''1–(866) 236–7472''.

Dated: October 10, 2019.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2019–22584 Filed 10–10–19; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice; Correction

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice; correction.

SUMMARY: This document corrects the phone number listed in a Sunshine Act Notice published in the **Federal Register** of October 7, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935.

SUPPLEMENTARY INFORMATION:

Correction

In Sunshine Act Notice FR Doc. 2019–21995, on page 53440 in the issue of October 7, 2019, in the third column, the phone number listed under the heading ''Phone Number for Listening to Meeting'' 1–(866) 867–4769 is corrected to read ''1–(866) 236–7472''.

Dated: October 10, 2019.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2019–22582 Filed 10–10–19; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice; Correction

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice; correction.

SUMMARY: This document corrects the phone number listed in a Sunshine Act Notice published in the **Federal Register** of October 7, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935.

SUPPLEMENTARY INFORMATION:

Correction

In Sunshine Act Notice FR Doc. 2019–21992, on page 53440 in the issue of October 7, 2019, in the second column, the phone number listed under the heading ''Phone Number for Listening to Meeting'' 1–(866) 867–4769 is corrected to read ''1–(866) 236–7472''.

Dated: October 10, 2019.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2019–22583 Filed 10–10–19; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Senior Executive Service Performance Review Board

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Notice.

SUMMARY: This notice announces the appointment of the members of the Senior Executive Service Performance Review Board for the Federal Retirement Thrift Investment Board. The purpose of the Performance Review Board is to make written recommendations on each executive's annual summary ratings, performance-based pay adjustment, and performance awards to the appointing authority.

DATES: This notice is applicable on October 15, 2019.

FOR FURTHER INFORMATION CONTACT: Kelly Powell, HR Specialist, at 202–942–1681.

SUPPLEMENTARY INFORMATION: Title 5, U.S. Code, 4314(c)(4), requires that the appointment of Performance Review Board members be published in the **Federal Register** before Board service commences. The following persons will serve on the Federal Retirement Thrift Investment Board's Performance Review Board which will review initial summary ratings to ensure the ratings are consistent with established performance requirements, reflect meaningful distinctions among senior executives based on their relative performance and organizational results and provide recommendations for ratings, awards, and pay adjustments in a fair and equitable manner: Susan Crowder, Vijay Desai, Gisile Goethe, and Sean McCaffrey.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2019–22384 Filed 10–11–19; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; ACF Performance Progress Report, ACF–OGM–SF–PPR–B

AGENCY: Office of Grants Management, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Grants Management (OGM), in the Administration for Children and Families (ACF) is requesting a 3-year extension of the form ACF–OGM–SF–PPR–B (OMB #0970–0406, expiration 9/30/2019). There are no changes requested to the form.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street, SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The ACF Office of Grants Management proposes to continue collecting program performance data for ACF's discretionary grantees using the existing ACF–OGM–SF–PPR–B (OMB #0970–0406, expiration 9/30/2019) form with no changes. The form, developed by OGM, was created from the basic template of the OMB-approved reporting format of the Program Performance Report. OGM uses this data to ensure grantees are proceeding in a satisfactory manner in meeting the approved goals and objectives of the project, and if funding should be continued for another budget period.

The requirement for grantees to report on performance is OMB grants policy. Specific citations are contained in 45 CFR part 75 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards.

Respondents: All ACF Discretionary Grantees. State governments, Native American Tribal governments, Native American Tribal Organizations, Local Governments, and Nonprofits with or without 501(c)(3) status with the IRS.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
ACF–OGM–SF–PPR–B	6,000	6	1	36,000	12,000

Estimated Total Annual Burden Hours: 12,000.

(Authority: 45 CFR part 75).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–22343 Filed 10–11–19; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–2565]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; 510(k) Third-Party Review Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 14, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0375. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

510(k) Third-Party Review Program

OMB Control Number 0910–0375—Extension With Revision

Information collections (ICs) associated with the 510(k) third-party (3P510k) review program have been approved under OMB control number 0910–0375. We request extension, including revisions, of the information collection approval as described in this document.

Section 210 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) established section 523 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360m), directing FDA to accredit persons in the private sector to review certain premarket notifications (510(k)s; see 21 U.S.C. 360(k)). Participation in the 3P510k review program by accredited persons is entirely voluntary. A third party wishing to participate will submit a request for accreditation to FDA. Accredited third-party reviewers have the ability to review a manufacturer's 510(k) submission for selected devices. After reviewing a submission, the reviewer will forward a copy of the 510(k) submission, along with the

reviewer's documented review and recommendation, to FDA. Third-party reviewers should maintain records of their 510(k) reviews and a copy of the 510(k) for a reasonable period of time, usually 3 years.

Respondents to this information collection are businesses or other for-profit organizations.

In the **Federal Register** of September 14, 2018 (83 FR 46742), FDA announced the availability of the draft guidance entitled ''510(k) Third-Party Review Program; Draft Guidance for Industry, Food and Drug Administration Staff, and Third-Party Review Organizations.'' The draft guidance was intended to provide a comprehensive look into FDA's current thinking regarding the 3P510k review program authorized under the FD&C Act. Under the FDA Reauthorization Act of 2017, FDA was directed to issue draft guidance on the factors that will be used in determining whether a class I or class II device type, or subset of such device types, is eligible for review by an accredited person. The 3P510k review program is intended to allow review of devices by third-party 510k review organizations (3PROs) to provide manufacturers of these devices an alternative review process that allows FDA to best utilize our resources on higher risk devices.

The September 14, 2018, notice requested comment on the draft guidance and related revision of the information collection in OMB control number 0910–0375. We describe and respond below to the comments related to the information collection. We have numbered each comment to help distinguish between different comments. We have grouped similar comments together under the same number, and, in some cases, we have separated different issues discussed in the same comment and designated them as distinct comments for purposes of our responses. The number assigned to each comment or comment topic is purely for organizational purposes and does not signify the comment's value or importance or the order in which comments were received.

(Comment 1) One comment suggested that the 3P510k review program reduces the burden for FDA staff and industry and increases the burden on patients and doctors to figure out which devices are safe and which are not.

Another comment suggested that FDA has not demonstrated that its proposed changes to the 3P510k review program will benefit patients and that the 3P510k review program reduces patient safety, rather than protecting patients from potentially harmful devices.

(Response 1) FDA disagrees with these comments. Section 523 of the FD&C Act requires FDA to accredit persons for the purpose of reviewing reports submitted under section 510(k) of the FD&C Act and making a recommendation to FDA. All devices subject to the 510(k) requirements, including devices cleared through the 3P510k review program, must demonstrate substantial equivalence to a legally marketed device prior to introduction into interstate commerce (see 21 U.S.C. 360(k), 360(n), 360c(f)(1) and 360c(i); 21 CFR 807.92(a)(3)). Under the 3P510k review program, the objective is for the 3PRO to provide a review equivalent to that of an FDA reviewer, including making a recommendation, which it submits to FDA. FDA reviews that information to make a final determination of substantial equivalence and where appropriate, FDA will limit its review to a supervisory-level review. Therefore, the burden to demonstrate substantial equivalence remains unchanged.

In addition, this guidance describes the factors FDA will use to ensure only appropriate device types are eligible for the 3P510k review program and benefits the public health by allowing new, low-to-moderate risk devices to obtain FDA-equivalent review while enabling FDA to focus more resources on higher risk and more complex devices that necessitate more rigorous review benefitting the public health. Accordingly, no change to the guidance is necessary.

(Comment 2) One comment suggested that the proposed definition of a 510(k) Submitter is too narrow by referring to ''scientific and technical data'' and should be revised to reflect the additional components of a 510(k) submission, such as intended use.

(Response 2) FDA agrees that a 510(k) submission can include more than scientific and technical data. Rather than trying to define the appropriate components of a 510(k) submission in this guidance, FDA has modified the definition of 510(k) Submitter by removing reference to submitting ''scientific and technical data.''

(Comment 3) One comment requested clarification regarding to whom the 3PROs should provide copies of written communications between the 510(k) submitter and the 3PRO and, if these copies are submitted to FDA, that this is unnecessarily burdensome to both the 510(k) submitter and the 3PRO.

(Response 3) FDA agrees that this language should be, and therefore it has been, clarified as FDA's intent was that these communications would be provided to FDA and that the context of these communications is the communication and response to deficiencies in the submission. However, FDA disagrees that providing the Agency this information is unnecessarily burdensome. FDA believes that to understand and evaluate whether the 3PRO conducted an FDA-equivalent review, it is necessary to understand how the 3PRO documented and communicated any deficiencies it found during its review, how the 510(k) submitter responded to those deficiencies, and how the 3PRO evaluated those responses.

(Comment 4) Several comments suggested that the language in the guidance is unclear as to whether the 510(k) submitter should provide the 3PRO with all subsequent correspondence that the submitter has with FDA and that once a 3PRO has submitted its recommendation to FDA that any substantive interactions between FDA and the 510(k) submitter are not always relevant and any mandate to supply such correspondence creates additional burden.

Additionally, a comment requested clarification regarding to whom the 3PRO should provide a copy of all written communications.

(Response 4) To the extent that the commenter refers to subsequent correspondence on the 510(k) submission in question, FDA disagrees with the comment. The 3PRO's responsibilities to provide an FDA-equivalent review do not end with the initial submission to FDA. As discussed in subsection VI.J of the guidance, FDA will contact the 3PRO by telephone or email if additional information is needed. FDA not only expects the 3PRO to communicate with the 510(k) submitter to resolve any issues needing the submitter's input, FDA also expects the 3PRO to thoroughly evaluate any responses received and to document those in its updated review memo. Therefore, the 3PRO should be involved in any discussions between FDA and the 510(k) submitter regarding the request for additional information. FDA does not believe that the continued involvement of the 3PRO creates an unnecessary burden given their responsibilities, whereas their involvement in those discussions ensures the response is evaluated in a timely and efficient manner.

(Comment 5) One comment requested clarification on what a new review memo provided by a 3PRO in response to FDA's request for additional information should include or whether a documented evaluation result referring to the evaluation of the 510(k)

submitter's responses to FDA's request for additional information is sufficient.

(Response 5) FDA has clarified in the final guidance that the initial review memo provided by the 3PRO should be updated with this new information in response to FDA's request for additional information. This is consistent with FDA's expectation that the 3PRO provide a review equivalent to that of an FDA reviewer.

FDA estimates the burden of this collection of information as follows:

Estimated Annual Reporting Burden

Requests for accreditation (initial): On average, the Agency has received one application for accreditation for 3P510k review per year. There is no change to this information collection (IC) from the currently approved burden estimate.

Requests for accreditation (re-recognition): We have added an IC for re-recognition requests to be consistent with the guidance, which states that requests for re-recognition will be handled in the same manner as initial recognition requests. Based on the estimated number of 3PROs (seven) and the frequency of re-recognition (3 years), we expect to receive approximately two re-recognition requests per year. We expect the average burden per response to be the same as an initial request (24 hours).

510(k) reviews conducted by accredited third parties: Based on FDA's recent experience with this program, we estimate the number of 510(k)s submitted for third-party review to be 147 annually; approximately 21 annual reviews for each of the 7 3PROs. This IC has been adjusted based on current trends, however, there is no program change to this IC.

Complaints: The guidance recommends that the 3PRO should forward to FDA information on any complaint (*e.g.,* whistleblowing) it receives about a 510(k) submitter that could indicate an issue related to the safety or effectiveness of a medical device or a public health risk. Therefore, we have added an IC for complaints to the reporting burden. We expect to receive one forwarded complaint per year. Based on similar information collections, we estimate the average burden per complaint to be 0.25 hours (15 minutes).

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [2]
Requests for accreditation (initial) [3]	1	1	1	24	24
Requests for accreditation (re-recognition) [5]	2	1	2	24	48
510(k) reviews conducted by accredited third parties [4]	7	21	147	40	5,880
Complaints [5]	1	1	1	0.25	1
Total					5,953

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals have been rounded.
[3] There is no change to this IC from the currently approved burden estimate.
[4] This IC has been adjusted based on current trends, however, there is no program change to this IC.
[5] This IC revises OMB control number 0910–0375 to reflect the draft guidance entitled "510(k) Third Party Review Program; Draft Guidance for Industry, Food and Drug Administration Staff, and Third-Party Review Organizations."

Estimated Annual Recordkeeping Burden

510(k) reviews: The 3PROs should retain copies of all 510(k) reviews and associated correspondence. Based on FDA's recent experience with this program, we estimate the number of 510(k)s submitted for 3P510k review to be 147 annually; approximately 21 annual reviews for each of the 7 3PROs. We estimate the average burden per recordkeeping to be 10 hours. The estimated number of records and recordkeepers have been adjusted based on current trends, however, there is no program change to this IC.

Records regarding qualifications to receive FDA recognition as a 3PRO: Under section 704(f) of the FD&C Act (21 U.S.C. 374(f)), a 3PRO must maintain records that support their initial and continuing qualifications to receive FDA recognition, including documentation of the training and qualifications of the 3PRO and its personnel; the procedures used by the 3P510k review organization for handling confidential information; the compensation arrangements made by the 3PRO; and the procedures used by the 3PRO to identify and avoid conflicts of interest. Additionally, the draft guidance states that 3PROs should retain information on the identity and qualifications of all personnel who contributed to the technical review of each 510(k) submission and other relevant records. Therefore, we have added an IC for "Records regarding qualification to receive FDA recognition as a 3PRO." Because most of the burden of compiling the records is expressed in the reporting burden for requests for accreditation, we estimate the maintenance of such records to be 1 hour per recordkeeping annually.

Recordkeeping system regarding complaints: Section 523(b)(3)(F)(iv) of the FD&C Act requires 3PROs to agree in writing that they will promptly respond and attempt to resolve complaints regarding their activities. The guidance recommends that 3PROs establish a recordkeeping system for tracking the submission of those complaints and how those complaints were resolved, or attempted to be resolved. Therefore, we have added an IC for "Recordkeeping system regarding complaints." Based on our experience with the program and the recommendations in the guidance, we estimate the average burden per recordkeeping to be 2 hours.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
510(k) reviews [2]	7	21	147	10	1,470

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Records regarding qualifications to receive FDA recognition as a 3PRO [3]	7	1	7	1	7
Recordkeeping system regarding complaints [3]	7	1	7	2	14
Total					1,491

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] This IC has been adjusted based on current trends, however, there is no program change to this IC.
[3] This IC revises OMB control number 0910–0375 to reflect the draft guidance entitled ''510(k) Third Party Review Program; Draft Guidance for Industry, Food and Drug Administration Staff, and Third-Party Review Organizations.''

We revised our estimates for OMB control number 0910–0375 by adding new ICs, changing the title of the IC request, and adjusting the existing ICs based on current trends. Despite the addition of new ICs, the estimated burden reflects an overall decrease of 5,580 hours. We attribute this adjustment to a decrease in the number of submissions we received over the last few years.

The draft guidance also refers to previously approved ICs found in FDA regulations. The ICs in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the ICs regarding 3P510k review of medical devices under FDAMA have been approved under OMB control number 0910–0375; the ICs for the device appeals processes have been approved under OMB control number 0910–0738; the ICs for the Q-Submission Program (Requests for Feedback on Medical Device Submissions) have been approved under OMB control number 0910–0756.

Dated: October 4, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–22345 Filed 10–11–19; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1021]

Notice to Public of Website Location of Center for Devices and Radiological Health Fiscal Year 2020 Proposed Guidance Development

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the website location where the Agency will post two lists of guidance documents that the Center for Devices and Radiological Health (CDRH or the Center) intends to publish in fiscal year (FY) 2020. In addition, FDA has established a docket where interested persons may comment on the priority of topics for guidance, provide comments and/or propose draft language for those topics, suggest topics for new or different guidance documents, comment on the applicability of guidance documents that have issued previously, and provide any other comments that could benefit the CDRH guidance program and its engagement with stakeholders. This feedback is critical to the CDRH guidance program to ensure that we meet stakeholder needs.

DATES: Submit either electronic or written comments by December 16, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 16, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 16, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–1021 for ''Notice to Public of website Location of CDRH Fiscal Year 2020 Proposed Guidance Development.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the

information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Erica Takai, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5456, Silver Spring, MD 20993–0002, 301–796–6353.

SUPPLEMENTARY INFORMATION:

I. Background

During negotiations on the Medical Device User Fee Amendments of 2012, Title II, Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), FDA agreed to meet a variety of quantitative and qualitative goals intended to help get safe and effective medical devices to market more quickly. Among these commitments included:

- Annually posting a list of priority medical device guidance documents that the Agency intends to publish within 12 months of the date this list is published each fiscal year (the ''A-list''), and
- Annually posting a list of device guidance documents that the Agency intends to publish, as the Agency's guidance-development resources permit each fiscal year (the ''B-list'').

The Medical Device User Fee Amendments of 2017 (MDUFA IV), FDA Reauthorization Act of 2017, (Pub. L. 115–52) maintained these commitments.

In addition, to ensure that final guidance documents continue to provide stakeholders with the Agency's current thinking, CDRH annually conducts a staged review of previously issued final guidances in collaboration with stakeholders. CDRH intends to annually provide lists of previously issued final guidances that are subject to review through FY 2025 so that by 2025, FDA and stakeholders will have assessed the applicability of all guidances older than 10 years. For instance, in the annual notice for FY 2021, CDRH expects to provide a list of the final guidance documents that issued in 2011, 2001, 1991, and 1981; the annual notice for FY 2022 is expected to provide a list of the final guidance documents that issued in 2012, 2002, 1992, and 1982, and so on.

FDA welcomes comments on any or all of the guidance documents on the lists as explained in 21 CFR 10.115(f)(5). FDA has established Docket No. FDA–2012–N–1021 where comments on the FY 2020 lists, draft language for guidance documents on those topics, suggestions for new or different guidances, and relative priority of guidance documents may be submitted and shared with the public (see **ADDRESSES**). FDA believes this docket is a valuable tool for receiving information from interested persons. FDA anticipates that feedback from interested persons will allow CDRH to better prioritize and more efficiently draft guidances to meet the needs of the Agency and our stakeholders.

In addition to posting the lists of prioritized device guidance documents, CDRH has identified as a priority, and has devoted resources to, finalization of draft guidance documents. To assure the timely completion or reissuance of draft guidances, in FY 2015 CDRH committed to performance goals for current and future draft guidance documents. For draft guidance documents issued after October 1, 2014, CDRH committed to finalize, withdraw, reopen the comment period, or issue new draft guidance on the topic for 80 percent of the documents within 3 years of the close of the comment period and for the remaining 20 percent, within 5 years. As part of MDUFA IV commitments, FDA reaffirmed this commitment, as resources permit.

Fulfillment of these commitments will be reflected through the issuance of updated guidance on existing topics, withdrawal of guidances that no longer reflect FDA's current thinking on a particular topic, and annual updates to the A-list and B-list announced in this notice.

II. CDRH Guidance Development Initiatives

A. Metrics for FY 2019 A-List and B-List Publication

Stakeholder feedback on guidance priorities is important to ensure that the CDRH guidance program meets the needs of stakeholders. The feedback received on the FY 2019 list was mostly in agreement, and CDRH continued to work toward issuing the guidances on this list. Some guidances requested for inclusion in the FY2019 list by stakeholders have been included as part of the FY 2020 list. In FY 2019, CDRH published 21 of 28 guidances on the FY 2019 list (17 from the A-list, 4 from the B-list).

A. Finalization of Draft Guidance Documents

Of the 23 draft guidances issued in FY 2015, CDRH finalized 87 percent within 3 years of the comment period close. Five years from the comment period close has not yet elapsed for the remaining guidances issued in FY 2015. In addition, in FY 2019, one draft guidance issued prior to October 1, 2013, remains, and CDRH has been continuing to work towards taking an action on this remaining draft guidance.

Looking forward, in FY 2020, CDRH will strive to finalize, withdraw, or reopen the comment period for 50 percent of existing draft guidances issued prior to October 1, 2014.

B. Applicability of Previously Issued Final Guidance

At the website where CDRH has posted the ''A-list'' and ''B-list'' for FY 2020, CDRH has also posted a list of final guidance documents that issued in 2010, 2000, 1990, and 1980 for our annual review of previously issued final guidances.[1] CDRH is interested in external feedback on whether any of these final guidances should be revised or withdrawn. In addition, for guidances that are recommended for revision, information explaining the need for revision, such as the impact and risk to public health associated with not revising the guidance, would also be helpful as the Center considers potential action with respect to these guidances. CDRH will consider the comments received from this retrospective review

[1] The retrospective list of final guidances does not include special controls documents.

when determining priorities for updating guidance documents and will revise these as resources permit.

Consistent with the Good Guidance Practices regulation at 21 CFR 10.115(f)(4), CDRH would appreciate suggestions that CDRH revise or withdraw an already existing guidance document. We request that the suggestion clearly explain why the guidance document should be revised or withdrawn and, if applicable, how it should be revised. While we are requesting feedback on the list of previously issued final guidances located in the annual agenda website, feedback on any guidance is appreciated and will be considered.

In FY 2019, CDRH received comments regarding guidances issued in 2009, 1999, and 1989, and has withdrawn three guidance documents in response to comments received and because these guidance documents were determined to no longer represent the Agency's current thinking. The revision of several guidance documents is also being considered as resources permit.

III. Website Location of Guidance Lists

This notice announces the website location of the document that provides the A and B lists of guidance documents, which CDRH is intending to publish during FY 2020. To access these two lists, visit FDA's website at *https://www.fda.gov/medical-devices/guidance-documents-medical-devices-and-radiation-emitting-products/cdrh-proposed-guidance-development.* We note that the topics on this and past guidance priority lists may be removed or modified based on current priorities, as well as comments received regarding these lists. Furthermore, FDA and CDRH priorities are subject to change at any time (*e.g.,* newly identified safety issues). The Agency is not required to publish every guidance on either list if the resources needed would be to the detriment of meeting quantitative review timelines and statutory obligations. In addition, the Agency is not precluded from issuing guidance documents that are not on either list.

Dated: October 8, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–22370 Filed 10–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4839]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Registering With the Center for Veterinary Medicine's Electronic Submission System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 14, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0454. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on Registering With the Center for Veterinary Medicine's Electronic Submission System—21 CFR 11.2

OMB Control Number 0910–0454—Extension

FDA's ''Electronic Records; Electronic Signatures'' regulation (21 CFR part 11) requires that we identify in the Electronic Submission Docket (Docket No. FDA–1992–S–0039) the types of documents or parts of documents acceptable for official electronic submission. FDA's Center for Veterinary Medicine (CVM) has placed notifications in that docket identifying documents acceptable for electronic submission to the Center, as required by 21 CFR 11.2. CVM's ability to receive and process information submitted electronically is limited by its current information technology capabilities and the requirements of FDA's ''Electronic Records; Electronic Signatures'' regulation.

The FDA Electronic Submissions Gateway (ESG) is an Agency-wide solution for accepting electronic regulatory submissions. The FDA ESG enables the secure submission of premarket and postmarket regulatory information for review. The FDA ESG is the central transmission point for sending information electronically to FDA. Within that context, the FDA ESG is a conduit along which submissions travel to reach the proper FDA Center or Office. The CVM's Electronic Submission System (ESS) is a Center-wide solution for accepting electronic regulatory submissions. The CVM ESS is used to accept electronic submissions for animal and veterinary products.

Our Guidance for Industry (GFI) #108 entitled ''Registering with the Center for Veterinary Medicine's Electronic Submission System'' outlines general standards to be used for the submission of any electronic information to CVM using the FDA ESG, including how to register with the CVM ESS using Form FDA 3538, ''Electronic Submission System Participant Management.'' Registering with the CVM ESS allows respondents to send electronic regulatory submissions to the Office of New Animal Drug Evaluation, the Office of Surveillance and Compliance's Division of Animal Feeds and Division of Surveillance, and the Office of Minor Use and Minor Species Animal Drug Development.

Respondents use GFI #108 and Form FDA 3538 to facilitate the electronic submission of regulatory information. We use the information collected with Form FDA 3538 to register respondents to use the CVM ESS.

Description of Respondents: The respondents are submitters of regulatory information to CVM.

In the **Federal Register** of April 16, 2019 (84 FR 15621), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
11.2	Form FDA 3538	193	1.3	251	0.08 (5 minutes)	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the 60-day notice published April 16, 2019, we based our estimate of 179 respondents per year on our experience with the submission of electronic information using the CVM ESS and the number of electronic registration or change requests received between January 1, 2018, and November 30, 2018. We are now adjusting our estimate to 193 respondents per year to better reflect the data for the time period January 1 to December 31, 2018. Using these new figures, our estimated burden for the information collection reflects an overall increase from the previous OMB approval of 17 hours and a corresponding increase of 213 responses. We attribute this adjustment to the reauthorizations of both the Animal Drug User Fee Act and the Animal Generic Drug User Fee Act, which require sponsors to submit information electronically to the CVM's Office of New Animal Drug Evaluation. Because of this requirement, sponsors are now registering to use the CVM ESS in greater numbers than in previous years.

Dated: October 4, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–22371 Filed 10–11–19; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0086]

Agency Information Collection Activities; Proposed Collection; Comment Request; Potential Tobacco Product Violations Reporting Form

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the Potential Tobacco Product Violations Reporting Form.

DATES: Submit either electronic or written comments on the collection of information by December 16, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 16, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 16, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–N–0086 for ''Potential Tobacco Product Violations Reporting Form.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting

of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Potential Tobacco Product Violations Reporting Form

OMB Control Number 0910–0716—Extension

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (the Tobacco Control Act) (Pub. L. 111–31) into law. The Tobacco Control Act amended section 201 *et seq.* of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321 *et seq.*) by adding a new chapter granting FDA important new authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors. FDA is requesting an extension of OMB approval for the collection of information to accept consumer and other stakeholder feedback and notification of potential violations of the FD&C Act, as amended by the Tobacco Control Act.

FDA created a Tobacco Call Center (with a toll-free number: 1–877–CTP–1373). Callers can report potential violations of the Tobacco Control Act, and FDA may conduct followup investigations based on information received. When callers report a violation, the caller will be asked to provide as much certain information as they can recall, including: The date the potential violation occurred; product type (*e.g.,* cigarette, smokeless, roll-your-own, cigar, e-cigarette, hookah, pipe tobacco); tobacco brand; potential violation type; type of potentially violative promotional materials; who potentially violated; and the name, address, phone number, and email address of the potential violator. The caller will also be asked to list the potential violator's website (if available), describe the potential violation, and provide any additional files or information pertinent to the potential violation.

FDA currently provides a form that may be used to solicit this information from the caller (Form FDA 3779, Potential Tobacco Product Violations Report), and seeks renewal of Form FDA 3779. This form is posted on FDA's website. The public and interested stakeholders are also able to report information regarding possible violations of the Tobacco Control Act through the following methods: Calling the Tobacco Call Center using the Center for Tobacco Products (CTP) toll-free number; using a fillable Form FDA 3779 found on FDA's website; downloading a PDF version of the form to send via email or mail to FDA; requesting a copy of Form FDA 3779 by contacting CTP and sending by mail to FDA; and sending a letter to FDA's CTP.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity and FDA Form 3779	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Reporting violations of the FD&C Act, as amended by the Tobacco Control Act via telephone, internet form, mail, smartphone application, or email.	750	2	1,500	0.25 (15 minutes).	375

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that submitting the information (by telephone, internet form, paper form by mail, or email) will take 0.25 hour (*i.e.,* 15 minutes) per response. This estimate is based on the type and rate of reporting that has been submitted through the Potential Tobacco Violation Reporting Form in the past.

FDA estimates the number of annual respondents to this collection of information will be 750, who will each submit 2 reports by telephone, internet form, paper form, or email. Each report is expected to take 0.25 hour to complete and submit; therefore, total burden hours for this collection of information is estimated to be 375 hours (1,500 responses × 0.25 hour per response).

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: October 4, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–22335 Filed 10–11–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Ending the HIV Epidemic (EHE) Triannual Module, OMB No. 0906–xxxx—New.

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than December 16, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Ending the HIV Epidemic (EHE) Triannual Module, OMB No. 0906–xxxx—New.

Abstract: HRSA's Ryan White HIV/AIDS Program (RWHAP) funds and coordinates with cities, states, and local clinics/community-based organizations to deliver efficient and effective HIV care, treatment, and support to low income people with HIV. Nearly two-thirds of clients (patients) live at or below 100 percent of the Federal poverty level and approximately three-quarters of RWHAP clients are racial/ethnic minorities. Since 1990, the RWHAP has developed a comprehensive system of safety net providers who deliver high quality direct health care and support services to over half a million people with HIV—more than 50 percent of all people with diagnosed HIV in the United States.

Ending the HIV Epidemic: A Plan for America

In February 2019, the Administration announced a new initiative, *Ending the HIV Epidemic: A Plan for America* (EHE). Authorized by section 311(c) and title XXVI of the Public Health Service Act, this ten-year initiative beginning in FY 2020 seeks to achieve the important goal of reducing new HIV infections in the United States to less than 3,000 per year by 2030. EHE will focus on 48 counties, Washington, DC, San Juan, Puerto Rico, and seven states that have a substantial rural HIV burden. By focusing on these jurisdictions in the first phase of the EHE, HHS plans to reduce new HIV infections by 75% within five years. Across the United States, the EHE will promote and implement four Pillars to substantially reduce HIV transmissions—diagnose, treat, prevent, and respond. EHE is a collaborative effort among key HHS agencies, primarily HRSA, the Centers for Disease Control and Prevention, the National Institutes of Health, the Indian Health Service, and the Substance Abuse and Mental Health Services Administration. RWHAP will focus on implementing activities in the *Pillar Two: Treat* and supporting *Pillar Four: Respond* for this important initiative.

HRSA identified proposed data collection needs to support HRSA's efforts towards ending the HIV Epidemic. In order to reach this goal, HRSA needs to have the ability to monitor initiative activities including funding allocations, expenditures, service utilization, and clients served; and assess progress toward meeting national goals for ending the HIV epidemic. HRSA proposes that recipients and service providers (subrecipients) who receive EHE initiative funding report on the reach of EHE initiative activities in a new EHE Triannual Module.

Need and Proposed Use of the Information: HRSA proposes that service providers who receive EHE Initiative funding report aggregate information on the number of clients receiving specific services and the number of clients who were prescribed antiretroviral medications in the previous four months (beginning in March 2020). This information would complement the annual information collected through the Ryan White Services Report (RSR) and other reporting mechanisms. Service providers will report three times per year on clients who received at least one service during the previous four month period.

This module will provide HRSA with frequent and timely data on EHE Initiative progress by providing information on the number of clients who are reached through the EHE Initiative during each four month reporting period. In addition, HRSA can calculate the number of clients who did not receive services in the previous year by subtracting the number of clients who received services in the previous year and the number of new clients from the total number of clients. This will provide valuable information on the scope of outreach to new clients and clients who have had a lapse in service which could be an indication of re-engagement in care. These calculations will be similar to calculations using the new RSR variables. This module will support project officer monitoring and HRSA's understanding of service provision.

Likely Respondents: RWHAP Part A and Part B Recipients and Subrecipients funded by the EHE Initiative.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
EHE Triannual Module	47	3	141	1	141
Total	47		141		141

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Division of the Executive Secretariat.

[FR Doc. 2019–22395 Filed 10–11–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Single Source Award to the Rural Communities Opioid Response Program—Technical Assistance

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Rural Communities Opioid Response Program—Technical Assistance (RCORP-TA), program supports rural consortiums and opioid recipients that provide treatment for and prevention of substance use disorder with a focus on opioid use disorder. The TA efforts will enhance the organizational and infrastructural capacity of multi-sector consortiums at the community, county, state, and/or regional levels. The overall goal is the reduction of morbidity and mortality associated with opioid overdoses in high-risk rural communities. The RCORP-TA award recipient provides resources and expertise in support of the execution of the following focus areas: (1) Prevention—reducing the occurrence of opioid use disorder (OUD) among new and at-risk users as well as fatal opioid-related overdoses through community and provider education and harm reduction measures including the strategic placement of overdose reversing devices, such as naloxone; (2) treatment—implementing or expanding access to evidence-based practices for opioid addiction/OUD treatment such as medication-assisted treatment, including developing strategies to eliminate or reduce treatment costs to uninsured and underinsured patients; and (3) recovery—expanding peer recovery and treatment options to help people start and stay in recovery.

The RCORP-TA initiative is part of a multi-year, opioid focused effort by HRSA that will include: Improving access to and recruitment of new substance use disorder providers; building sustainable treatment resources; increasing the use of telehealth; establishing cross-sector community partnerships; implementing new models of care, including integrated behavioral health; and providing technical assistance.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: JBS International, Inc. (U6BRH32364).

Amount of Award: $3,000,000.

Project Period: September 30, 2019–September 29, 2020.

CFDA Number: 93.912.

Authority: Public Health Service Act, Section 330A (f) (42 U.S.C. 254c (f)), as amended.

Justificaton: Additional funding will be awarded annually through FY 2022 contingent on satisfactory performance of the recipient, and continued availability of funds.

The RCORP-TA program was announced under HRSA–18–124. In FY 2018, HRSA funded this program at up to $3,000,000 per year to one awardee, JBS International, Inc., for a period of performance for up to 4 years. RCORP-TA program was competed in late FY 2018. At the time of the award, RCORP-TA recipient was expected to provide technical assistance to 75 opioid award recipients. The current RCORP-TA recipient is expected to support approximately 318 opioid award recipients. As a result of this increase in opioid award recipients, the RCORP-TA recipient will need additional funds to expand its capacity to provide TA services. Supplemental funding is required for the current RCOPR-TA award recipient to provide TA services to the additional 243 opioid award recipients. These additional funds will enable the current recipient to provide high quality TA.

Further information on the Telehealth Focused Rural Health Research Center is available at: *https://www.hrsa.gov/ruralhealth/programopportunities/fundingopportunities/default.aspx?id=482de32c-8b8d-4960-bb86-caad8c9d6905*

FOR FURTHER INFORMATION CONTACT: Marcia Colburn, Program Coordinator, RCORP-TA, (301) 443–3261, *MColburn@hrsa.gov.*

Dated: October 4, 2019.

Thomas J. Engels,

Acting Administrator.

[FR Doc. 2019–22434 Filed 10–11–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990-xxxx]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before December 16, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–New–60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Medical *Countermeasures.gov.*

Type of Collection: OMB No. 0990–0323—Extension—

Abstract: The Office of the Assistant Secretary for Preparedness and Response (ASPR), Office of the Biomedical Advanced Research and Development Authority (BARDA), is requesting an approval on an extension by OMB on a currently approved information collection. The purpose of this collection is, in order to route product developers to the most appropriate personnel within the Department of Health and Human Services (HHS), HHS collects some basic information about the company's product through Medical *Countermeasures.gov.* Using this information and a routing system that has been developed with input from participating agencies within HHS, including the Office of the Assistant Secretary for Preparedness and Response (ASPR), the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the National Institutes of Health (NIH), Medical *Countermeasures.gov* routes the meeting request to the appropriate person within HHS. ASPR is requesting an extension by OMB for a three-year clearance.

Type of respondent: Developers of medical countermeasures to naturally occurring and intentional public health threats visit the site on a monthly basis.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondent	Average burden per response	Total burden hours
Meeting Request	Developers of medical countermeasures to naturally occurring and intentional public health threats..	245	1	10/60	41
Total					41

Terry Clark,

Asst Paperwork Reduction Act Reports Clearance Officer,Office of the Secretary.

[FR Doc. 2019–22416 Filed 10–11–19; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: T32 Special Emphasis Panel.

Date: October 29, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 820, Bethesda, MD 20817, 301–827–7835, *yasuko.furumoto@nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: AMS Member Conflict.

Date: October 31, 2019.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Room 818, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Kathy Salaita, SCD, Chief, Scientific Review Branch, DHHS/NIH/NIAMS, One Democracy Plaza, Suite 800, 6701 Democracy Blvd. MSC 4872, Bethesda, MD 20892, 301–594–5033, *Kathy.Salaita@nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: Rare Diseases SBIR Review Meeting.

Date: November 22, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 824, Bethesda, MD 20817, 301–594–8919, *liuy@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: October 8, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–22382 Filed 10–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Computational, Modeling and Biodata Management.
Date: November 6–7, 2019.
Time: 8:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.
Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–379–9351, *allen.richon@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Physiology and Pathobiology of the Vascular and Hematological Systems.
Date: November 6, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.
Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Oncology.
Date: November 6–7, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–5902, *caojn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Surgical Disparities Research.
Date: November 6, 2019.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435–0628, *newmanjh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Vaccines, Host Defense, Inflammation and Immunity.
Date: November 6, 2019.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Betty Hayden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Perception and Cognition Research to Inform Cancer Image Interpretation.
Date: November 6, 2019.
Time: 2:00 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel BRAIN Initiative: Targeted BRAIN Circuits Projects.
Date: November 7–8, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Immune Responses and Vaccines to Non-HIV Microbial Infections.
Date: November 7–8, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.
Contact Person: Andrea Keane-Myers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, Bethesda, MD 20892, 301–435–1221, *andrea.keane-myers@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 8, 2019.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–22368 Filed 10–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Mechanistic Ancillary Studies to Ongoing Clinical Projects.
Date: October 30, 2019.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: October 8, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–22380 Filed 10–11–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0025]

Agency Information Collection Activities: Report of Diversion

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted no later than December 16, 2019 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0025 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Report of Diversion.

OMB Number: 1651–0025.

Form Number: CBP Form 26.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected on Form 26.

Type of Review: Extension (without change).

Abstract: CBP Form 26, *Report of Diversion,* is used to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This form is initiated by the vessel owner or agent to notify and request approval by CBP for a vessel to divert while traveling coastwise from a U.S. port to another U.S. port, or a vessel traveling to a foreign port having to divert to a U.S. port when a change occurs in the vessel itinerary. CBP Form 26 collects information such as the name and nationality of the vessel, the expected port and date of arrival, and information about any related penalty cases, if applicable. This information collection is authorized by 46 U.S.C. 60105 and 19 CFR 4.91. CBP Form 26 is accessible at *https://www.cbp.gov/newsroom/publications/forms?title=26&=Apply.*

Affected Public: Businesses.

Estimated Number of Respondents: 1,400.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 2,800.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 233.

Dated: October 9, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–22411 Filed 10–11–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0075]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Affidavit of Support Under Section 213A of the Act

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 16, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0075 in the body of the letter, the agency name and Docket ID USCIS–2007–0029. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0029;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

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 National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

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–2007–0029 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Affidavit of Support under Section 213A of the Act.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–864; I864A; I–864EZ; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; The data collected on Form I–864 will be used by the USCIS to determine whether the sponsor has the ability to support the sponsored alien under section 213A of the Immigration and Nationality Act. This form serves the purpose of standardizing the evaluations of the sponsor's ability to support the sponsored alien and ensures that basic information required to assess eligibility is provided by petitioners.

The Form I–864A is a contract between the sponsor and the sponsor's household members. It is only required if the sponsor used income of his or her household members to reach the required 125 percent of the Federal poverty guideline. The contract holds these household members jointly and severally liable for the support of the sponsored immigrant. The information collection required on Form I–864A is necessary for public benefit agencies to enforce the Affidavit of Support in the event the sponsor used income of his or her household members to reach the required income level and the public benefit agencies are requesting reimbursement from the sponsor.

The Form I–864EZ will be used by the USCIS in exactly the same way as Form I–864, however, the USCIS will collect less information from the sponsors as less information will be needed from those who qualify in order to make a thorough adjudication.

(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–864 is 453,345 and the estimated hour burden per response is 6.5 hours; the estimated total number of respondents for the information collection I–864A is 215,800 and the estimated hour burden per response is 2.25 hours; the estimated total number of respondents for the information collection I–864EZ is 100,000 and the estimated hour burden per response is 3 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 3,732,293 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 $135,569,525.

Dated: October 8, 2019.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–22375 Filed 10–11–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2019–N133; FXES11140100000–190–FF01E00000]

Renewal of Safe Harbor Agreement for OX Ranch, Adams County, Idaho

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received a written request from Hixon Properties Incorporated to renew an existing Safe Harbor Agreement (SHA). The participants in the SHA are OX Ranch (Hixon Properties Incorporated and affiliated business entities doing business collectively), the Idaho Department of Fish and Game, and the Service. Continued implementation of the SHA is intended to benefit the recovery of the federally listed threatened northern Idaho ground squirrel in Adams County, Idaho. The Service is making the proposed SHA renewal and our draft environmental action statement (EAS) available for public review and comment.

DATES: All comments from interested parties must be received on or before November 14, 2019.

ADDRESSES: To request further information, obtain copies of documents, or submit written comments, please use one of the following methods. Please include your name and return address in your comments and refer to the ''Safe Harbor Agreement for Northern Idaho Ground Squirrel'':

- *Internet:* Documents may be viewed on the internet at *http://www.fws.gov/Idaho.*
- *Email: ifwo@fws.gov.* Include ''Safe Harbor Agreement for Northern Idaho Ground Squirrel'' in the subject line of the message.
- *U.S. Mail:* State Supervisor, Idaho Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1387 South Vinnell Way, Suite 368, Boise, ID 83709.
- *In-Person Drop-off, Viewing, or Pickup:* Documents will be available for public inspection, by appointment, between 8 a.m. and 5 p.m. at the U.S. Fish and Wildlife Service's Idaho Fish and Wildlife Office.
- *Fax:* Idaho Fish and Wildlife Office, 208–378–5262, Attn: Safe Harbor Agreement for Northern Idaho Ground Squirrel.

FOR FURTHER INFORMATION CONTACT: Greg Burak, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office (see **ADDRESSES**), telephone 208–378–5243, or email *ifwo@fws.gov.* If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received a written request dated May 30, 2019, from Hixon Properties Incorporated to renew an existing Safe Harbor Agreement (SHA) for an additional 5 years beyond its current expiration date of September 28, 2019. The existing enhancement of survival permit (permit) associated with the SHA was issued August 13, 2009, pursuant to the ESA (16 U.S.C. 1531 *et seq.*), and is in effect until September 28, 2024. Renewing the SHA for an additional 5 years would make the expiration date the same as the expiration date of the permit. The SHA is between Hixon Properties Incorporated (owner), Rocky Comfort Cattle Company, LLC (lessee), and affiliated business entities doing business as the OX Ranch collectively, the Idaho Department of Fish and Game (IDFG), and the Service. Renewing the SHA is intended to benefit the recovery of the federally listed threatened northern Idaho ground squirrel (*Urocitellus brunneus*) on 7,783 acres (ac) of privately owned land in Adams County, Idaho. The SHA management actions to benefit the northern Idaho ground squirrel include habitat maintenance and enhancement, predator/competitor control, shooting prohibitions, outreach, surveys, monitoring, and research. The activities implemented under this SHA will aid in increasing the current range of the covered species, restoring this species to part of its historic range, and increasing the total population of the species, thus contributing to its overall recovery. The Service is making the proposed SHA renewal and our draft EAS available for public review and comment, including the submission of written data. The draft EAS supports our preliminary determination that the proposed SHA renewal is eligible for categorical exclusion under the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*).

Background

Section 9 of the ESA prohibits the take of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Under the ESA, the term ''take'' means to 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(19)). The term ''harm,'' as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is defined in our regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). Under specified circumstances, however, we may issue permits that authorize take of federally listed species, provided the take is incidental to, but not the purpose of, an otherwise lawful activity. Regulations governing permits for threatened species are at 50 CFR 17.32.

Under a SHA, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA. SHAs, and the subsequent permit issued to participating landowners pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation actions for federally listed species by assuring the landowners that they will not be subjected to increased property use restrictions as a result of their efforts to either attract listed species to their property, or to increase the numbers or distribution of listed species already on their property. Enrolled landowners may make lawful use of the enrolled property during the permit term and may incidentally take the listed species named on the permit. Application requirements and issuance criteria for permits associated with SHAs are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22(c) and 17.32(c). As provided for in the Service's final Safe Harbor Policy (64 FR 32717; June 17, 1999), SHAs provide assurances that allow the property owner to alter or modify their enrolled property, even if such alteration or modification results in the incidental take of a listed species, to such an extent that the property is returned back to the originally agreed upon baseline conditions. Private landowners may voluntarily terminate an SHA at any time and in accordance with 50 CFR 13.26. If this occurs, landowners must relinquish the associated incidental take permit pursuant to section 10(a)(1)(A) of the ESA.

Safe Harbor Agreement

The private lands covered under the existing SHA and permit consist of 7,783 ac on the OX Ranch, and are located just north of Bear, in Adams County, Idaho. Northern Idaho ground squirrels currently occupy 610 ac of the covered area. The 610 ac is considered the baseline. When the existing permit expires on September 28, 2024, the OX Ranch is allowed to return their property to baseline.

The expected net conservation benefit to the northern Idaho ground squirrel as a result of the SHA is the maintenance of the 610-ac baseline area, allowing researchers affiliated with the Service or IDFG to access OX Ranch property; requiring notification of the Service and IDFG prior to activities that will result in ''take'' of the species so that they may capture and relocate affected individuals if appropriate; allowing the Service and IDFG personnel access to the property to conduct ground squirrel conservation activities approved by the applicant such as habitat maintenance and enhancement, ground squirrel surveys, and translocation of ground squirrels; and establishing some limits on the conduct of chemical rodent control in the squirrel management area. In addition, the applicant may also work with the Service and others to implement timber-related habitat enhancement measures that will potentially increase habitat for squirrels within the covered area. The biological goal of northern Idaho ground squirrel

conservation measures in the SHA is to expand this species' population within and beyond the 610-ac baseline area by reducing threats and enhancing habitat for the species. The SHA is intended to contribute to the recovery of the northern Idaho ground squirrel by reducing threats, expanding and increasing the viability of the ground squirrel population at this site, improving habitat conditions, and potentially facilitating translocation of ground squirrels to other sites in need of population supplementation, as appropriate.

The SHA management actions to benefit the northern Idaho ground squirrel include habitat maintenance and enhancement, predator/competitor control, shooting prohibitions, outreach, surveys, monitoring, and research.

The OX Ranch has met obligations outlined in the 2009 SHA. For example, they have carried out habitat enhancement projects on their land and have participated in multiple habitat enhancement studies by providing access to their property for research purposes (*i.e.,* Suronen and Newingham 2013, Goldberg 2018). They have allowed the installation of no-shooting signs on their property, conducted outreach, allowed needed surveys and monitoring to be carried out on an annual basis by the IDFG (*i.e.,* Wagner and Evans Mack 2019), and have allowed limited predator control to be carried out on their property on an as-needed basis. Renewing the SHA for an additional 5 years will provide continued conservation benefits on OX Ranch lands for the northern Idaho ground squirrel.

National Environmental Policy Act Compliance

The renewal of the SHA is a Federal action that triggers the need for compliance with NEPA. The Service has made a preliminary determination that the proposed SHA renewal is eligible for categorical exclusion under NEPA, based on the following criteria: (1) Implementation of the SHA would result in minor or negligible adverse effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the SHA would result in minor or negligible adverse effects on other environmental values or resources; and (3) impacts of the SHA, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative adverse effects to environmental values or resources which would be considered significant. We explain the basis for this determination in more detail in an EAS that is also available for public review.

Public Comments

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed Federal action.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comments, 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. Comments and materials we receive, as well as supporting documentation we use in preparing the EAS, will be available for public inspection by appointment, during normal business hours, at our Idaho Fish and Wildlife Office (see **ADDRESSES**).

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA 42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22, and 40 CFR 1506.6, respectively).

Rolland G. White,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–22439 Filed 10–11–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900 253G]

Advisory Board of Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children will hold its next meeting in Albuquerque, NM, November 13–15, 2019. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: On Wednesday, November 13, 2019 and Thursday, November 14, 2019 and Friday, November 15, 2019 all Advisory Board members will meet in-session from 8:30 a.m. to 4:30 p.m. Mountain Time. The Advisory Board will hold an orientation session for members only on Friday, November 15, 2019 from 8:30 a.m. to 10:00 a.m. Mountain Time. The public commenting session will occur on Friday, November 15, 2019 from 11:00 a.m. to 11:30 a.m. Mountain Time.

ADDRESSES: The orientation and public meetings will be held at the 1011 Indian School Rd. NW, 3rd floor in the Large Conference in Albuquerque, NM 87104; telephone number (602) 240–8597.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N Central Ave., Suite 800, Phoenix, Arizona 85004, email at *Jennifer.davis@bie.edu* or telephone number (602) 240–8597.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, the BIE is announcing that the Advisory Board will hold its next meeting in Albuquerque, New Mexico. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. The meeting is open to the public.

The following items will be on the agenda:

- Report from Tony Dearman, Director, BIE Director's Office
- Report from Dr. Jeffrey Hamley Associate Deputy Director, BIE, Division of Performance and Accountability (DPA)
- Report from Donald Griffin, Supervisory Education Specialist, BIE/DPA/IDEA
- Report from BIE Associate Deputy Directors—discuss topics related to students with disabilities
- Finalize the 2019 Annual Report
- An orientation session will be provided to new Advisory Board members
- Public Comments (via teleconference call, Friday, November 15, 2019 meeting only *)

* During the November 15, 2019 meeting, time has been set aside for

public comment via conference call from 11:00 a.m. to 11:30 a.m. Mountain Time. The call-in information is: Telephone Number 1–888–417–0376, Passcode 1509140. Public comments can also be made in-person at the meeting site; or emailed to the DFO at *Jennifer.davis@bie.edu;* or faxed to (602) 240–8597 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., Suite 800, Phoenix, Arizona 85004.

Authority: 5 U.S.C. Appendix 5; 20 U.S.C. 1400 *et seq.*

Dated: September 23, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–22451 Filed 10–11–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900253G]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Standing Rock Sioux Tribe of North & South Dakota 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 Standing Rock Sioux Tribe of North & South Dakota and the State of South Dakota.

DATES: The extension takes effect on October 15, 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 Standing Rock Sioux Tribe of North & South Dakota 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 February 15, 2020. This publication provides notice of the new expiration date of the compact.

Dated: September 27, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–22452 Filed 10–11–19; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA- 1210–1212 (Review) and 701–TA–454 and 731–TA–1144 (Second Review)]

Welded Stainless Steel Pressure Pipe From China, Malaysia, Thailand, and Vietnam; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping and countervailing duty orders on welded stainless steel pressure pipe from China, and the antidumping duty orders on welded stainless steel pressure pipe from Malaysia, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: September 6, 2019.

FOR FURTHER INFORMATION CONTACT: Abu Kanu (202–205–2597), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On September 6, 2019, the Commission determined that the domestic interested party group response to its notice of institution (84 FR 25567, June 3, 2019) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of these reviews will be placed in the nonpublic record on October 11, 2019, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to these reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to these reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before October 18, 2019 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by October 18, 2019. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014). The Commission's *Handbook on Filing Procedures,* available on the

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the responses submitted by Bristol Metals, LLC, Felker Brothers Corp., Webco Industries Inc., and Primus Pipe & Tube to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to these reviews must be served on all other parties to these reviews (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.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 8, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–22340 Filed 10–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1415 (Final)]

Glycine From Thailand

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of glycine from Thailand, provided for in subheadings 2922.49.43 and 2922.49.80 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3] [4]

Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted this investigation effective March 28, 2018, following receipt of petitions filed with the Commission and Commerce by Chattem Chemicals Inc., Chattanooga, Tennessee, and GEO Specialty Chemicals, Inc., Lafayette, Indiana. Effective October 31, 2018, the Commission established a general schedule [5] for the conduct of the final phase of its antidumping and countervailing duty investigations on glycine from China, India, Japan, and Thailand, following notification of preliminary determinations by Commerce that imports of glycine from China and India were subsidized within the meaning of section 703(b) of the Act (19 U.S.C.1671b(b)) and that imports of glycine from India and Japan were being sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)).[6] Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 3, 2018 (83 FR 62345).[7] The hearing was held in Washington, DC, on April 30, 2019 and all persons who requested the opportunity were permitted to appear in person or by counsel. On May 1, 2019, Commerce published its final affirmative determinations for its countervailing duty investigations for glycine from China and India and also for its antidumping duty investigations for glycine from India and Japan.[8] On April 24, 2019, Commerce postponed until further notice the issuance of the final determination regarding glycine from Thailand. (See Memorandum from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Jeffrey 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,'' April 24, 2019.) The Commission issued its affirmative determinations for its countervailing duty investigations for glycine from China and India and its antidumping duty investigations for India and Japan on June 14, 2019.[9] Following notification of a final determination by Commerce that imports of glycine from Thailand were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)),[10] notice of the supplemental scheduling of the final phase of the Commission's antidumping duty investigation with respect to glycine from Thailand was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing notice in the **Federal Register** of August 23, 2019 (84 FR 44334).

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on October 8, 2019. The views of the Commission are contained in USITC Publication 4977 (October 2019), entitled *Glycine from Thailand: Investigation No. 731–TA–1415 (Final).*

By order of the Commission.

Issued: October 9, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–22421 Filed 10–11–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1021 (Third Review)]

Malleable Iron Pipe Fittings From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 84 FR 37998, August 5, 2019.

[3] Commissioners Randolph J. Stayin and Amy A. Karpel did not participate in this investigation.

[4] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on Thailand.

[5] 83 FR 62345, December 3, 2018.

[6] Commerce issued preliminary negative determinations on its antidumping and countervailing duty investigations for glycine from Thailand (83 FR 54717 and 83 FR 44861).

[7] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission published its revised schedule on February 12, 2019.

[8] 84 FR 18489, 84 FR 18482, 84 FR 18487, and 84 FR 18484, respectively.

[9] 84 FR 29238, June 21, 2019.

[10] On August 5, 2019, Commerce published in the **Federal Register** its final affirmative determination of sales at less than fair value and of critical circumstances for glycine from Thailand (84 FR 37998) as well as its final negative countervailing duty determination and final negative critical circumstances determination for glycine from Thailand (84 FR 38007). Consequently, effective August 5, 2019, the Commission terminated its countervailing duty investigation concerning glycine from Thailand (84 FR 43618, August 21, 2019).

order on malleable iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: October 4, 2019.

FOR FURTHER INFORMATION CONTACT: (Julie Duffy (202) 708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On October 4, 2019, the Commission determined that the domestic interested party group response to its notice of institution (84 FR 31346, July 1, 2019) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on October 15, 2019, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before October 18, 2019 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by October 18, 2019. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014). The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (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: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 8, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–22367 Filed 10–11–19; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Chairman David S. Johanson voted to conduct a full review.

[3] The Commission has found the responses submitted by Anvil International, LLC and Ward Manufacturing to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1163]

Certain Light-Emitting Diode Products, Systems, and Components Thereof; Commission Determination Not To Review an Initial Determination Amending the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 9) of the presiding Administrative Law Judge (''ALJ'') granting complainants' motions to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On June 25, 2019, the Commission instituted Inv. No. 337–TA–1163, *Certain Light-Emitting Diode Products, Systems, and Components Thereof* under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Lighting Science Group Corporation of Cocoa Beach, Florida; Healthe, Inc. of Cocoa Beach, Florida; and Global Value Lighting, LLC of West Warwick, Rhode Island (collectively, ''Complainants''). 84 *Fed. Reg.* 29877–79 (June 25, 2019). The complaint, as amended, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,098,483; 7,095,053; 8,506,118 (''the '118 patent''); 7,528,421;

8,674,608; 8,201,968; and 8,967,844. The notice of investigation (''NOI'') names numerous respondents. The Commission's Office of Unfair Import Investigations was not named as a party. *Id.* at 29878.

On September 6, 2019, Complainants filed a motion (Motion Docket No. 1163–004 (''Mot. 004'')) seeking leave to amend the complaint and NOI to add allegations of infringement of claim 9 of the '118 patent against respondents MLS Co., Ltd. of Zhongshan City, China; LEDVANCE GmbH of Garching, Germany; and LEDVANCE LLC of Wilmington, Massachusetts (collectively, ''MLS/LEDVANCE''). On September 11, 2019, Complainants filed a motion (Motion Docket No. 1163–005 (''Mot. 005'')) seeking leave to amend the complaint and NOI to add allegations of infringement of claim 9 of the '118 patent against respondents Acuity Brands, Inc. of Wilmington, Massachusetts and Acuity Brands Lighting, Inc. of Conyers, Georgia (collectively, ''Acuity'').

On September 16, 2019, the ALJ issued the subject ID (Order No. 9) granting the motions. The ID finds that good cause exists to allow the proposed amendments because Complainants did not obtain facts showing the alleged infringement of claim 9 until after receiving discovery from MLS/LEDVANCE and Acuity. ID at 2 (citing Mot. 004 at 4–6; Mot. 005 at 4–6). The ID further finds that any potential prejudice to MLS/LEDVANCE and Acuity is minimal because claim 9 comprises elements similar to elements present in claims already asserted against these parties. *Id.* at 2–3 (citing Mot. 004 at 3–4; Mot. 005 at 3–4). The ID also finds that adding claim 9 to this investigation would not expand the scope of discovery or enlarge the pool of accused products. *Id.* at 3 (citing Mot. 004 at 4; Mot. 005 at 4). No party petitioned for review of the ID.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: October 8, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–22338 Filed 10–11–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0085]

Agency Information Collection Activities; Proposed eCollection eComments Requested;Extension, Without Change, of a Currently Approved Collection

AGENCY: United States Trustee Program, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, United States Trustee Program, 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 November 14, 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 Juliet Drake, Deputy Assistant Director, Executive Office for United States Trustees, 441 G Street NW, Suite 6150, Washington, DC 20530, *Juliet.Drake@usdoj.gov,* (202) 307–3698. 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 United States Trustee Program, 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:* Application for Approval as a Provider of a Personal Financial Management Instructional Course (Application).

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 United States Trustee Program.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals and businesses that wish to offer instructional courses to debtors concerning personal financial management pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (''BAPCPA''), Public Law 109–8, 119 Stat. 23, 37, 38 (April 20, 2005), and codified at 11 U.S.C. 109(h) and 111, and Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees, 78 FR 16,159 (March 14, 2013) (Rule).

The BAPCPA requires individual debtors in bankruptcy cases to complete a personal financial management instructional course given by a provider that has been approved by the United States Trustee as a condition of receiving a discharge. The Application collects information from such providers in order to ensure compliance with the law and the Rule.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 147 respondents will complete the Application; initial applicants will complete the Application in approximately ten (10) hours, while renewal applicants will complete the Application in approximately four (4) hours. In addition, it is estimated that approximately 996,970 debtors will complete a survey evaluating the effectiveness of an instructional course in approximately one (1) minute.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual public burden associated with this Application is 17,228 hours; the

applicants' burden is 612 hours and the debtors' burden is 16,616 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: October 8, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–22360 Filed 10–11–19; 8:45 am]

BILLING CODE 4410–40–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0084]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension, Without Change, of a Currently Approved Collection

AGENCY: United States Trustee Program, Department of Justice.

ACTION: 30 Day notice.

SUMMARY: The Department of Justice, United States Trustee Program, 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 November 14, 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 Juliet Drake, Deputy Assistant Director, Executive Office for United States Trustees, 441 G Street NW, Suite 6150, Washington, DC 20530, *Juliet.Drake@usdoj.gov,* (202) 307–3698. 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 United States Trustee Program, 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:* Application for Approval as a Nonprofit Budget and Credit Counseling Agency (Application).

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 United States Trustee Program.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Nonprofit agencies that wish to offer credit counseling services pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (''BAPCPA''), Public Law 109–8, 119 Stat. 23, 37, 38 (April 20, 2005), and codified at 11 U.S.C. 109(h) and 111, and Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by United States Trustees, 78 FR 16,138 (March 14, 2013) (Rule).

The BAPCPA requires any individual who wishes to file for bankruptcy to obtain credit counseling, within 180 days before filing for bankruptcy relief, from a nonprofit budget and credit counseling agency that has been approved by the United States Trustee. The Application collects information from such agencies in order to ensure compliance with the law and the Rule.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 86 respondents will complete the Application; initial applicants will complete the Application in approximately ten (10) hours, while renewal applicants will complete the Application in approximately four (4) hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 362 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: October 8, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–22359 Filed 10–11–19; 8:45 am]

BILLING CODE 4410– 40–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before November 14, 2019.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may

inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *McConnell.Sheila.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2019–050–C.

Petitioner: Peabody Gateway North Mining LLC, Six PPG Place, Suite 830, Pittsburgh, PA 15222.

Mines: Gateway North Mine, MSHA I.D. No. 11–03235, located in Randolph County, Illinois.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in or inby the last open crosscut.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) The operator utilizes the continuous mining method.

(3) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. Further, it is difficult, if not impossible, to have such equipment serviced or repaired.

(4) Accurate surveying is critical to the safety of the miners at the mine. Electronic surveying equipment is, at a minimum, 8 to 10 times more accurate than mechanical equipment.

(5) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in or inby the last open crosscut, subject to this petition:

—Sokkia CX103
—TopCon GPT 3209 NW
—TopCon GTS 235 W

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites, data loggers, and laser distance meters. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in or inby the last open crosscut will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn outby the last open crosscut. All requirements of 30 CFR 75.323 will be complied with prior to entering in or inby the last open crosscut.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment in or inby the last open crosscut, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rocked-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in or inby the last open crosscut, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in or inby the open crosscut when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in or inby the last open crosscut. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air outby the last open crosscut. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in or inby the last open crosscut, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in or inby the last open crosscut is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in or inby the last open crosscut. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000–23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in or inby the last open crosscut, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

—On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as ''baloney skins'') or curtains.

—Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.

—Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

—If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

—Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

—All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

—The operator will provide annual retraining to all personnel who will be involved with or affected by

surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–051–C.

Petitioner: Peabody Gateway North Mining LLC, Six PPG Place, Suite 830, Pittsburgh, PA 15222.

Mines: Gateway North Mine, MSHA I.D. No. 11–03235, located in Randolph County, Illinois.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in return airways.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200(a), use of the most practical and accurate surveying equipment is necessary.

(2) The operator utilizes the continuous miner method of mining.

(3) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. Further it is difficult, if not impossible, to have such equipment serviced or repaired.

(4) Accurate surveying is critical to the safety of the miners at the mine. Electronic surveying equipment is, at a minimum, 8 to 10 times more accurate than mechanical equipment.

(5) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in return airways, subject to this petition:

—Sokkia CX103
—TopCon GPT 3209 NW
—TopCon GTS 235 W

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites, data loggers, and laser distance meters. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in return airways will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in return airways will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn out of return airways. All requirements of 30 CFR 75.323 will be complied with prior to entering in return airways.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment in return airways, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rocked-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in return airways, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in return airways when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in return airways. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified

person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air out of return airways. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in return airways, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in return airways is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in return airways. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000–23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in return airways, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

—On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as ''baloney skins'') or curtains.

—Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.

—Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

—If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

—Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

—All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

—The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–052–C.

Petitioner: Peabody Gateway North Mining LLC, Six PPG Place, Suite 830, Pittsburgh, PA 15222.

Mines: Gateway North Mine, MSHA I.D. No. 11–03235, located in Randolph County, Illinois.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not

limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. It is necessary to determine the exact location and extent of mine workings to ensure the safety of miners in active mines and to protect miners in future mines which may mine in close proximity to the active mines.

(2) The operator utilizes the continuous miner method of mining.

(3) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. Further it is difficult, if not impossible, to have such equipment serviced or repaired.

(4) Accurate surveying is critical to the safety of the miners at the mine. Electronic surveying equipment is, at a minimum, 8 to 10 times more accurate than mechanical equipment.

(5) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater within 150 feet of pillar workings or longwall faces, subject to this petition:

—Sokkia CX103
—TopCon GPT 3209 NW
—TopCon GTS 235 W

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites, data loggers, and laser distance meters. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn further than 150 feet from pillar workings and longwall faces. All requirements of 30 CFR 75.323 will be complied with prior to entering within 150 feet of pillar workings or longwall faces.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rocked-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used within 150 feet of pillar workings or longwall faces when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air more than 150 feet from pillar workings or longwall faces. Replacement batteries will be carried only in the compartment provided for a

spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, within 150 feet of pillar workings or longwall faces is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000–23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

—On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as ''baloney skins'') or curtains.

—Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.

—Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

—If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

—Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

—All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

—The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019–22419 Filed 10–11–19; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before November 14, 2019.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket

number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *McConnell.Sheila.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2019–053–C.

Petitioner: Wolf Run Mining LLC, Sentinel Complex, 21550 Barbour County Hwy., Philippi, WV 26416.

Mines: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, WV.

Regulation Affected: 30 CFR 75.336(a)(1)(i) (Sampling and monitoring requirements).

Modification Request: The petitioner requests a modification of the existing standard that requires sealed areas with less than 120-psi seal strength constructed before October 20, 2008, must be monitored, whether ingassing or outgassing, for methane and oxygen concentrations and the direction of leakage at least every 24 hours.

The petitioner states that:

(1) The ventilation seals in place at the mine that are the subject of this petition meet or exceed the strength requirements of 30 CFR 75.335(a)(2)(i) for 120-psi rated seals and that all evaluations have been made to conclude that this seal type, rating, and construction are suitable for the mine conditions where the ventilation seals are installed.

(2) The existing seals in the mine between the Lower Kittanning and Clarion workings were constructed during a moratorium on seal construction between 2006 and 2008. To comply with MSHA standards and anticipating future standards requiring stronger seals, seals were proposed and designed by the operator and approved by MSHA in the operator's ventilation plan. The installed seals were Mitchell-Barrett seals that were enhanced to increase the strength of the structures. These are referred to as Super-Mitchell seals. At least one of the forms for the concrete plug seal was a Super-Mitchell seal where these seals were installed.

(3) The Super-Mitchell seals were installed in the approach to the return and intake shafts between the Lower Kittanning and Clarion workings. After the seals were finished and the shafts had been excavated, the space between the Super-Mitchell seals and the shaft wall inside diameter was filled with a reinforced concrete structure, a concrete plug seal, as part of the shaft concrete lining process. This concrete plug seal provided a second continuous seal structure which is nearly identical to the MSHA-approved seal design, Approval Number 120M–03.0 and the plug seal formula from the NIOSH IC 9500, ''Explosion Pressure Design Criteria for New Seals in U.S. Coal Mines.''

(4) The openings in the Lower Kittanning seam were sealed with Super-Mitchell seals and the concrete plug seal. In consultation with MSHA, the operator designated one seal at the turnout as the lowest seal in the set and that seal was outfitted with a water trap and sample pipe. The mine has an approved UIC permit which requires monitoring and control of the water levels in the sealed workings.

(5) Under the current standards, these seals are treated as 50-psi seals.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The eleven seals separating the Lower Kittanning and Clarion workings have a strength of at least the 120-psi seal required by the standard and should be treated as 120-psi seals under the current standards.

(b) Documentation of the seals' design and construction are available at the mine.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection for all miners than that of the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019–22420 Filed 10–11–19; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–065)]

NASA Advisory Council; Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, October 29, 2019, 12:30 p.m. to 5:30 p.m.; Wednesday, October 30, 2019, 9:30 a.m. to 4:30 p.m. Eastern Time.

ADDRESSES: NASA Kennedy Space Center, Operations and Checkout (O&C) Conference Room 2769, Kennedy Space Center, Florida 32899.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or *bette.siegel@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch

tone phone to participate in this meeting. Any interested person may dial the toll-free access number 1–888–324–9238 or toll access number 1–517–308–9132, and then the numeric participant passcode: 3403297, to participate in this meeting by telephone for both days. The WebEx link is *https://nasaenterprise.webex.com* , the meeting number is 909 467 766, and the password is Exploration@2019 (case sensitive) for both days.

The agenda for the meeting includes the following topics:

—Human Exploration and Operations Overview

—Low Earth Orbit Commercialization

—Commercial Crew

—Launch Services Program

—Exploration Systems Development

—Advanced Exploration Systems (Deep Space Exploration)

Attendees will be requested to sign a register and to comply with NASA Kennedy Space Center security requirements, including the presentation of a valid picture ID to NASA Security before access to NASA Kennedy Space Center. To attend the meeting in person, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 15 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. Information should be sent to Dr. Bette Siegel via email at *bette.siegel@nasa.gov*. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–22336 Filed 10–11–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–066)]

NASA Advisory Council; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the NASA Advisory Council (NAC).

DATES: Thursday, October 31, 2019, 10:30 a.m.–5:00 p.m.; and Friday, November 1, 2019, 8:30 a.m.–12:00 noon, Eastern Time.

ADDRESSES: NASA Kennedy Space Center, Headquarters Building, Conference Room 7212, Kennedy Space Center, Florida 32899.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia Joseph, NAC Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4717 or *marcia.joseph@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the capacity of the meeting room. This meeting is also available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll-free number 1–888–324–3866 or toll number 1–517–308–9316 and then the numeric passcode 5441938, followed by the # sign, on both days. NOTE: If dialing in, please ''mute'' your phone. To join via WebEx, the link is *https://nasaenterprise.webex.com/.* The meeting number on October 31 is 903 420 221 and the meeting password is NAC31oct19! (case sensitive); the meeting number on November 1 is 902 236 617 and the meeting password is NAC1nov19! (case sensitive).

The agenda for the meeting will include reports from the following:

— Aeronautics Committee

— Human Exploration and Operations Committee

— Regulatory and Policy Committee

— Science Committee

— STEM Engagement Committee

— Technology, Innovation and Engineering Committee

Attendees will be requested to sign a register and to comply with NASA Kennedy Space Center security requirements, including the presentation of a valid picture ID to NASA Security before access to NASA Kennedy Space Center. To attend the meeting in person, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 15 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. Information should be sent to Ms. Marcia Joseph via email at *marcia.joseph@nasa.gov.* It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–22337 Filed 10–11–19; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company Inc.; Vogtle Electric Generating Plant Units 3 and 4; Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of the successful completion of inspections, tests, and analyses.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has determined that specified inspections, tests, and analyses have been successfully completed, and that specified acceptance criteria are met for the Vogtle Electric Generating Plant (VEGP), Units 3 and 4.

DATES: Determinations of the successful completion of inspections, tests, and analyses for VEGP Units 3 and 4 takes effect on the dates indicated in the NRC staff's verification evaluation forms for the inspections, tests, analyses, and acceptance criteria (ITAAC).

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. Address questions about NRC docket IDs to Anne Frost; telephone: 301–287–9232; email: *Anne.Frost@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*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *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: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Licensee Notification of Completion of ITAAC

Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia, (hereafter called the licensee) has submitted ITAAC closure notifications (ICNs) under § 52.99(c)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses, and that the acceptance criteria are met for:

VEGP Unit 3 ITAAC

2.1.02.08d.v (36), 2.2.03.08c.iii (182), 2.2.03.08c.iv.02 (184), 2.3.03.02 (319), 2.3.05.03a.ii (344), 2.3.05.03c.i (349), 2.3.05.03d.i (351), 2.3.07.07b.i (402), 2.3.10.02a (431), 3.3.00.06b (788), 2.2.05.07e (880), and 2.3.07.07b.vii (881).

VEGP Unit 4 ITAAC

2.2.03.08c.v.01 (187), 2.2.03.08d (200), 2.3.09.03.iii (425), C.2.6.12.01 (671), C.2.6.12.02 (672), C.2.6.12.03 (673), C.2.6.12.04 (674), C.2.6.12.05 (675), and C.2.6.12.06 (676).

The ITAAC for VEGP Unit 3 are in Appendix C of the VEGP Unit 3 combined license (ADAMS Accession No. ML14100A106). The ITAAC for VEGP Unit 4 are in Appendix C of VEGP Unit 4 combined license (ADAMS Accession No. ML14100A135).

II. Licensee ITAAC Post-Closure Notifications

Since the last **Federal Register** notice of the NRC staff's determinations of successful completion of inspections, tests, and analyses for VEGP Units 3 and 4, the NRC staff has not made additional determinations of the successful completion of inspections, tests, and analyses based on licensee ITAAC post-closure notifications (IPCNs) submitted under 10 CFR 52.99(c)(2).

III. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs and IPCNs.

Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) Each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed. The NRC's review process for IPCNs is similar to that for ICNs but focuses on how the licensee addressed the new material information giving rise to the IPCN.

The NRC staff's determination of the successful completion of these ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the NRC staff receives new information that suggests the NRC staff's determination on any of these ITAAC is incorrect, then the NRC staff will determine whether to reopen that ITAAC (including withdrawing the NRC staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC will be reflected on the NRC's website at *https://www.nrc.gov/reactors/new-reactors/oversight/itaac.html*.

This notice fulfills the NRC staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests, and analyses.

Vogtle Electric Generating Plant Unit 3, Docket No. 5200025

A complete list of the review status for VEGP Unit 3 ITAAC, including the submission date and ADAMS accession number for each ICN received, the ADAMS accession number for each VEF, and the ADAMS accession numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's website at *https://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog3-icnsr.pdf*.

Vogtle Electric Generating Plant Unit 4, Docket No. 5200026

A complete list of the review status for VEGP Unit 4 ITAAC, including the submission date and ADAMS accession number for each ICN and IPCN received, the ADAMS accession number for each VEF, and the ADAMS accession numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's website at *https://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog4-icnsr.pdf*.

Dated at Rockville, Maryland, this 8th day of October, 2019.

For the Nuclear Regulatory Commission.

Victor E. Hall,

Chief, Construction Inspection Program Branch, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–22383 Filed 10–11–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–39 and 50–213; NRC–2019–0185]

Independent Spent Fuel Storage Installation; Connecticut Yankee Atomic Power Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption, in response to an April 24, 2019 request from Connecticut Yankee Atomic Power Company (CYAPCO or licensee), from NRC's requirement to comply with the terms, conditions, and specifications in Amendment No. 8 of the NAC International, Inc. (NAC)—Multi-Purpose Canister (MPC) System Certificate of Compliance (CoC) No. 1025, Appendix A ''Technical Specifications for NAC–MPC System,'' Technical Specifications (TS) A.5.1 ''Training Program'' at the Haddam Neck Plant (HNP) independent spent fuel storage installation (ISFSI). Specifically, the exemption would relieve the licensee from the requirement to develop training modules under its Systems Approach to Training (SAT) that includes comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC–MPC System.

DATES: This exemption takes effect on October 15, 2019.

ADDRESSES: Please refer to Docket ID NRC–2019–0185 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–2019–0185. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov*. For technical questions, contact the 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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Nishka Devaser, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5196; email: *Nishka.Devaser@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The licensee, CYAPCO, is the holder of Facility Operating License No. DPR–61, which authorizes operation of the HNP in Haddam, Connecticut, pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR). The facility is in decommissioned status. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect.

Under subpart K of 10 CFR part 72, a general license has been issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50. Under the terms of the general license, CYAPCO stores forty NAC–MPC canisters with spent fuel that are registered under Amendment No. 5 of the NAC–MPC CoC No. 1025. On February 5, 2019, the NRC issued Amendment Nos. 7 and 8 to CoC No. 1025 for the NAC–MPC System.

II. Request/Action

The licensee has requested an exemption from Amendment No. 8 to the NAC–MPC System CoC No. 1025, Appendix A, TS A.5.1 ''Training Program.'' CYAPCO seeks an exemption from the requirement to develop a SAT that includes comprehensive instructions for the operation and maintenance of the ISFSI. CYAPCO does not seek an exemption from the requirement to develop a SAT concerning the NAC–MPC system. CYAPCO has also requested an exemption from the requirements of § 72.212(a)(2), § 72.212(b)(3), § 72.212(b)(5)(i), § 72.212(b)(11), and § 72.214 that require compliance with the terms, conditions, and specifications of CoC No. 1025, Amendment No. 8.

- § 72.212(a)(2) states that the general license is limited to storage of spent fuel in casks approved under the provisions of 10 CFR part 72;
- § 72.212(b)(3) states that the general licensee must ensure that each cask used by the general licensee conforms to the terms, conditions, and specifications of a CoC or an amended CoC listed in § 72.214 (the NAC–MPC CoC No. 1025 is listed in § 72.214);
- § 72.212(b)(5)(i) requires that the general licensee perform written evaluations, before use and before applying the changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC, which establish that the cask, once loaded with spent fuel or once the changes authorized by an amended CoC have been applied, will conform to the terms, conditions, and specifications of a CoC or an amended CoC listed in § 72.214;
- § 72.212(b)(11) states, in part, that the licensee shall comply with the terms, conditions, and specifications of the CoC and, for those casks to which the licensee has applied the changes of an amended CoC, the terms, conditions, and specifications of the amended CoC; and
- § 72.214 lists the approved spent fuel storage casks, which includes CoC No. 1025 and Amendment No. 8.

The NRC has previously granted the same exemption to CYAPCO from the requirements of CoC No. 1025, Amendment No. 4 on September 22, 2005 (ADAMS Accession No. ML052660399) and CoC No. 1025, Amendment No. 5 on July 15, 2010 (ADAMS Accession No. ML101960618).

III. Discussion

Pursuant to § 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations of 10 CFR part 72 provided the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

Authorized by Law

This exemption would permit the registration of CYAPCO's forty NAC–MPC canisters storing spent nuclear fuel to Amendment No. 8 of the CoC No. 1025 for the NAC–MPC System without requiring the licensee to develop training modules under its SAT that includes comprehensive instructions for

the operation and maintenance of the ISFSI, except for the NAC–MPC System.

The provisions in 10 CFR part 72 from which the licensee is requesting an exemption require the licensee to comply with the terms, conditions, and specifications of the CoC. Section 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 72. As explained below, the proposed exemption will not endanger life or property, or the common defense and security, and is otherwise in the public interest. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and not otherwise inconsistent with NRC's regulations or other applicable laws. Therefore, the exemption is authorized by law.

Will Not Endanger Life or Property or the Common Defense and Security

This exemption would relieve the licensee from meeting Appendix A ''Technical Specifications for NAC–MPC System,'' TS A.5.1 ''Training Program,'' which requires the development of training modules under its SAT that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC–MPC System. The NRC approved the use of the NAC–MPC System in CoC No. 1025 on April 10, 2000. This constituted NRC approval of the conditions for use in storing spent fuel under the general license provisions of § 72.210.

The NRC evaluated the impact to public safety that would result from granting the proposed action. The approval of the proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally, the proposed action would not involve any construction or other ground disturbing activities, would not change the footprint of the existing ISFSI, and would have no other significant non-radiological impacts. In this regard, and as the ISFSI is located on previously disturbed land, it is extremely unlikely that approval of the proposed action would create any significant impact on the aquatic or terrestrial habitat near the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or to essential fish habitat covered by the Magnuson-Stevens Act. Similarly, approval of the proposed action is not the type of activity that has the potential to cause effects on historic or cultural properties, assuming such properties are present at the site of the HNP ISFSI. On this basis, the staff concludes that the proposed exemption does not pose an increased risk to public health and safety and therefore the exemption will not endanger life or property or the common defense and security.

Otherwise in the Public Interest

As noted above, this exemption was previously approved in 2005 and reapproved in 2010. Continuing to apply the exemptions would provide for consistent and efficient regulation of the NAC–MPC System at the HNP ISFSI. Further, the alternative of denying the exemption request would impose an administrative burden on CYAPCO and the NRC that would not provide a significant safety benefit. The requested exemption does not change the fundamental design, components, contents, or safety features of the storage system. Therefore, granting the exemption is otherwise in the public interest.

Environmental Consideration

The NRC staff also considered in the review of this exemption request whether there would be any significant environmental impacts associated with the exemption. The NRC staff determined that this proposed action fits a category of actions that do not require an environmental assessment or environmental impact statement. Specifically, the exemption meets the categorical exclusion in § 51.22(c)(25).

Granting this exemption from § 72.212(a)(2), § 72.212(b)(3), § 72.212(b)(5)(i), § 72.212(b)(11), and § 72.214 only relieves the licensee from the requirement to develop training modules under its SAT that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC–MPC System. A categorical exclusion for education, training, experience, qualification, requalification or other employment suitability requirements is provided under § 51.22(c)(25)(vi)(E) if the criteria in § 51.22(c)(25)(i)–(v) are also satisfied. In its review of the exemption request, the NRC staff determined, as discussed above, that, under §§ 51.22(c)(25)(i)–(v): (i) Granting the exemption does not involve a significant hazards consideration because granting the exemption neither reduces a margin of safety, creates a new or different kind of accident from any accident previously evaluated, nor significantly increases either the probability or consequences of an accident previously evaluated; (ii) granting the exemption would not produce a significant change in either the types or amounts of any effluents that may be released offsite because the requested exemption neither changes the effluents nor produces additional avenues of effluent release; (iii) granting the exemption would not result in a significant increase in either occupational radiation exposure or public radiation exposure because the requested exemption neither introduces new radiological hazards nor increases existing radiological hazards; (iv) granting the exemption would not result in a significant construction impact because there are no construction activities associated with the requested exemption; and (v) granting the exemption would not increase either the potential or consequences from radiological accidents. Accordingly, this exemption meets the criteria for a categorical exclusion in § 51.22(c)(25)(vi)(E).

IV. Availability of Documents

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

Document	ADAMS accession No.
CYAPCO Letter to NRC, ''Request for Exemption from Certain Requirements of 10 CFR 72.212 and 10 CFR 72.214 for the Haddam Neck Plant Independent Spent Fuel Storage Installation,'' April 24, 2019.	ML19135A076
NRC Letter to NAC, ''Amendment Nos. 7 and 8 to Certificate of Compliance No. 1025 for the NAC-Multi Purpose Canister Storage System,'' February 5, 2019.	ML19038A256
NRC Letter to CYAPCO, ''Exemption from 10 CFR 72.212 and 72.214 for Dry Spent Fuel Storage Activities—Haddam Neck Plant,'' September 22, 2005.	ML052660399
NRC Letter to CYAPCO, ''Exemption from 10 CFR 72.212 and 72.214 for Dry Spent Fuel Storage Activities—Haddam Neck Plant ISFSI,'' July 15, 2010.	ML101960618

Document	ADAMS accession No.
CYAPCO Letter to NRC, ''Connecticut Yankee Atomic Power Company, Haddam Neck Plant ISFSI Adoption of NAC–MPC System, Amendment 5 Certificate of Compliance and Canister Registration,'' November 29, 2011.	ML11348A106
NRC Letter to CYAPCO, ''Issuance of Exemption from NAC International Certificate of Compliance No. 1025 Fuel Specification and Loading Conditions at the Haddam Neck Power Station Independent Spent Fuel Storage Installation,'' February 18, 2016.	ML16055A161
NRC Letter to NAC, ''Certificate of Compliance for the NAC International, Inc. Multi-Purpose Canister System,'' March 17, 2000.	ML003704040
NRC Letter to NAC, ''Amendment No. 3 to Certificate of Compliance No. 1025 for the NAC International, Inc. Multi-Purpose Canister (NAC–MPC) System,'' October 8, 2003.	ML032820200
NRC Letter to NAC, ''Amendment No.4 to Certificate of Compliance No. 1025 for the NAC International, Inc. Multi-Purpose Canister (NAC–MPC) System,'' October 27, 2004.	ML043020224
NRC Letter to NAC, ''Amendment No. 5 to Certificate of Compliance No. 1025 for the NAC International, Inc. Multi-Purpose Canister (NAC–MPC) System,'' September 19, 2007.	ML072700041

V. Conclusion

Based on the foregoing considerations, the NRC staff has determined that, pursuant to § 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC grants the licensee an exemption from the requirements of § 72.212(a)(2), § 72.212(b)(3), § 72.212(b)(5)(i), § 72.212(b)(11), and § 72.214 only with regard to meeting Appendix A, TS A.5.1 of CoC No. 1025.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 9th day of October, 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. 2019–22406 Filed 10–11–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of October 14, 21, 28, November 4, 11, 18, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 14, 2019

There are no meetings scheduled for the week of October 14, 2019.

Week of October 21, 2019—Tentative

There are no meetings scheduled for the week of October 21, 2019.

Week of October 28, 2019—Tentative

Tuesday, October 29, 2019

10:00 a.m. Transformation at the NRC—Becoming a Modern, Risk-Informed Regulator (Public Meeting); (Contact: Alysia Bone: 301–415–1034).

Week of November 4, 2019—Tentative

There are no meetings scheduled for the week of November 4, 2019.

Week of November 11, 2019—Tentative

There are no meetings scheduled for the week of November 11, 2019.

Week of November 18, 2019—Tentative

There are no meetings scheduled for the week of November 18, 2019.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Tyesha.Bush@nrc.gov.*

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 10th day of October 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–22552 Filed 10–10–19; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–608; NRC–2019–0173]

SHINE Medical Technologies, LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Operating license application; acceptance for docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff accepts and dockets an application submitted by SHINE Medical Technologies, LLC (SHINE), dated July 17, 2019, filed pursuant to the Atomic Energy Act of 1954, as amended, and the NRC's regulations, for an operating license for the SHINE Medical Isotope Production Facility.

DATES: This action takes effect on October 15, 2019.

ADDRESSES: Please refer to Docket ID NRC–2019–0173 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2019–0173. Address questions about NRC docket IDs in *Regulations.gov* to Anne Frost; telephone: 301–287–9232; email: *Anne.Frost@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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *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: Steven T. Lynch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1524; email: *Steven.Lynch@nrc.gov.*

SUPPLEMENTARY INFORMATION: By letter dated July 17, 2019 (ADAMS Accession No. ML19211C044), SHINE filed with the NRC, pursuant to Section 103 of the Atomic Energy Act and part 50, ''Domestic Licensing of Production and Utilization Facilities,'' of title 10 of the *Code of Federal Regulations* (10 CFR), an application for an operating license for the SHINE Medical Isotope Production Facility to be located in Janesville, Wisconsin (ADAMS Package Accession No. ML19211C143). A notice of receipt and availability of this application was previously published in the **Federal Register** on September 10, 2019 (84 FR 47557).

SHINE has proposed to construct and operate a facility in Janesville, Wisconsin for the production of molybdenum-99 (Mo-99) through the irradiation and processing of a uranyl sulfate solution. As described in the operating license application, the proposed facility would comprise an irradiation facility and radioisotope production facility. The irradiation facility would consist of eight subcritical operating assemblies (or irradiation units), which would each be licensed as a utilization facility, as defined in 10 CFR 50.2, ''Definitions,'' and supporting structures, systems, and components (SSCs) for the irradiation of low enriched uranium. The radioisotope production facility would consist of hot cell structures, licensed collectively as a production facility, as defined in 10 CFR 50.2, and associated SSCs for the processing of irradiated material and extraction and purification of Mo-99. The irradiation facility and radioisotope production facility are collectively referred to as the SHINE Medical Isotope Production Facility. Issuance of the operating license would authorize the applicant to operate the SHINE Medical Isotope Production Facility for a 30-year period.

By letters dated March 26 and May 31, 2013 (ADAMS Accession Nos. ML13088A192 and ML13172A361, respectively), SHINE (at the time known as SHINE Medical Technologies, Inc.) submitted a two-part construction permit application, as updated in 2015, for its eight utilization facilities and one production facility (ADAMS Package Accession No. ML15258A431). The NRC issued Construction Permit No. CPMIF–001 to SHINE on February 29, 2016 (ADAMS Package Accession No. ML16041A473), as supported by NUREG–2189, ''Safety Evaluation Report Related to SHINE Medical Technologies, Inc. Construction Permit Application for a Medical Radioisotope Production Facility,'' dated August 2016, (ADAMS Accession No. ML16229A140) and NUREG–2183, ''Environmental Impact Statement for the Construction Permit for the SHINE Medical Radioisotope Production Facility,'' dated October 2015 (ADAMS Accession No. ML15288A046).

In accordance with 10 CFR part 2, ''Agency Rules of Practice and Procedure,'' and part 50, the NRC staff performed an acceptance review of the SHINE operating license application and, by letter dated October 8, 2019 (ADAMS Accession No. ML19276D411), concluded that the application is acceptable for docketing under Docket Number 50–608.

As part of a detailed technical review of the SHINE application, the NRC staff will prepare and document its findings in a safety evaluation report. Additionally, in accordance with 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC staff will also prepare a supplemental environmental impact statement for the proposed action.

Following additional interactions with SHINE, the NRC staff will establish a review schedule that identifies significant milestones and expected review completion date. Docketing of the application does not preclude the NRC staff from requesting additional information from SHINE as the review proceeds, nor does it predict whether the Commission will grant or deny the operating license.

The application will be referred to the Advisory Committee on Reactor Safeguards for review and report, which will be provided to the Commission in accordance with 10 CFR 50.58, ''Hearings and report of the Advisory Committee on Reactor Safeguards.'' If the Commission finds that the SHINE operating license application meets the applicable standards of the Atomic Energy Act and the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue an operating license containing conditions and limitations that the Commission finds appropriate and necessary.

In accordance with the provisions of 10 CFR 2.105, ''Notice of proposed action,'' a separate notice of opportunity to file a petition for leave to intervene in a hearing will be published at a later date.

Dated at Rockville, Maryland, this 8th day of October, 2019.

For the Nuclear Regulatory Commission.

Steven T. Lynch,

Project Manager, Research and Test Reactors Licensing Branch, Division of Licensing Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–22396 Filed 10–11–19; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF SPECIAL COUNSEL

[OMB Control No. 3255–0005]

Form OSC–14

AGENCY: Office of Special Counsel.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, Office of Management and Budget (OMB) implementing regulations, and the Government Paperwork Elimination Act, the U.S. Office of Special Counsel (OSC) is seeking comments on renewal of OMB's approval of OSC's updated, dynamic electronic form used to file complaints and disclosures with OSC. The form, known as Form OSC–14, was approved by OMB in September 2017. OSC revised Form OSC–14 in July 2019 to reflect subsequent statutory changes and obtained emergency OMB/OIRA approval of the updated information collection. The final rule authorizing use of Form OSC–14 went into effect on August 26, 2019 and the information collection is currently authorized by OMB Control Number 3255–0005,

which expires on February 29, 2020. This information collection seeks to extend OSC's period for using a form to collect this information through 2023.

DATES: Interested persons are invited to submit comments by December 16, 2019.

ADDRESSES: You may submit comments identified by ''Form OSC–14'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: FRLiaison@osc.gov.* Include ''Form OSC–14 Comment'' in the subject line of the message.
- *Mail:* U.S. Office of Special Counsel, Attention: **Federal Register** Liaison, 1730 M Street NW, Suite 218, Washington, DC 20036.

All comments received may be posted without change to OSC's website, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Susan K. Ullman, General Counsel, U.S. Office of Special Counsel, by telephone at (202) 804–7000, or by email at *sullman@osc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

OSC is a permanent independent federal investigative and prosecutorial agency. OSC's basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing.

OSC is seeking renewal of the approval for the information collection for Form OSC–14. The electronic form must be used to submit allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC and is recommended for filing disclosures of covered wrongdoing for review and possible referral to heads of agencies. The form may also be used by individuals to file complaints under the Hatch Act.

II. Request for Comments

OSC requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. Your comments should address the following: (a) The necessity of the information collection for OSC to perform its functions; (b) the accuracy of the estimated burden (hours and cost) of the collection of information; (c) ways OSC could enhance the quality, utility, and clarity of the information to be collected; and (d) ways OSC could minimize the burden of the collection of the information on the respondents. All comments will be available for review at the location listed in the **ADDRESSES** section during the hours of 9 a.m.–5 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, email address or other personally identifiable information (PII), please be advised that your entire comment—including your PII—may be made public at any time.

III. Data

OMB Control Number 3255–0005.

Title of Collection: Updated Form OSC–14: Electronic Submission of Allegations and Disclosures.

The updated electronic form is available on the OSC website at *https://osc.gov/Pages/File-Complaint.aspx.*

Brief Description of Collection: Submission of this information allows OSC to receive complaints and disclosures.

Type of Information Collection Request: Approval of a collection of information from individuals who choose to file complaints or disclosures with OSC. The proposed collection is the same as the collection that was approved on an emergency basis and replaces three separate forms OSC previously used to collect the information. This is for an extension without change of a currently approved collection.

Affected Public: Current and former Federal employees, applicants for Federal employment, state and local government employees, and their representatives, and the general public.

Respondent's Obligation: Voluntary.

Estimated Annual Number of Form OSC–14 Respondents: 6000 (estimate based on a review of recent OSC Annual Reports and Congressional Budget Justifications, and trends).

Frequency of Use of Updated Form OSC–14: Daily.

Estimated Average Amount of Time for a Person to Respond Using Form OSC–14: For prohibited personnel practice and other prohibited activities allegations, one hour and 15 minutes; for whistleblower disclosures, one hour; and for Hatch Act allegations, 30 minutes to complete the form. OSC based these estimates on testing completed by OSC employees during the development of the collection form.

Estimated Annual Burden for Filing Form OSC–14: 6917.5 hours.

Dated: October 9, 2019.

Travis Millsaps,

Deputy Special Counsel for Policy.

[FR Doc. 2019–22410 Filed 10–11–19; 8:45 am]

BILLING CODE 7405–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87246; File No. SR–OCC–2019–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Partial Amendment No. 1 and Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Concerning a Proposed Capital Management Policy That Would Support the Options Clearing Corporation's Function as a Systemically Important Financial Market Utility

October 8, 2019.

I. Introduction

On August 9, 2019, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2019–007 (''Proposed Rule Change'') pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder to adopt a policy concerning capital management at OCC, which includes OCC's plan to replenish its capital in the event it falls close to or below target capital levels.[3] The Proposed Rule Change was published for public comment in the **Federal Register** on August 27, 2019.[4] The Commission received comments regarding the Proposed Rule Change.[5] On September

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing *infra* note 4, at 84 FR 44952.

[4] Securities Exchange Act Release No. 86725 (Aug. 21, 2019), 84 FR 44952 (Aug. 27, 2019) (SR–OCC–2019–007) (''Notice of Filing''). OCC also filed a related advance notice (SR–OCC–2019–805) (''Advance Notice'') with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1)(i) under the Exchange Act. 12 U.S.C. 5465(e)(1). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4. The Advance Notice was published in the **Federal Register** on September 11, 2019. Securities Exchange Act Release No. 86888 (Sep. 5, 2019), 84 FR 47990 (Sep. 11, 2019) (SR–OCC–2019–805).

[5] *See* letter from Jacqueline Mesa, Chief Operating Officer & Senior Vice President of Global Policy Futures Industry Association (''FIA''), dated September 17, 2019, to Vanessa Countryman,

Continued

11, 2019, OCC filed a partial amendment (''Partial Amendment No. 1'') to modify the Proposed Rule Change.[6] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.

II. 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 Exchange 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–OCC–2019–007 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–OCC–2019–007. 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 such filings will also be available for inspection and copying at the principal office of OCC and OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

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–OCC–2019–007 and should be submitted on or before October 30, 2019.

III. Designation of Longer Period for Commission Action

Section 19(b)(2) of the Exchange Act[7] 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 after publication of the Notice of Filing is October 11, 2019. The Commission is extending this 45-day time period.

In order to provide the Commission with sufficient time to consider 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.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,[8] designates November 25, 2019 as the date by which the Commission shall either approve, disapprove, or instituteproceedings to determine whether to disapprove proposed rule change SR–OCC–2019–007.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–22385 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

Secretary, Commission (''FIA Letter''); letter from Joseph P. Kamnik, Senior Vice President and Chief Regulatory Counsel, OCC, dated September 20, 2019 to Vanessa Countryman, Secretary, Commission (''OCC Letter''); letter from Steven Morrison, SVP, Associate General Counsel, LPL Financial (''LPL'') to Brent J. Fields, Secretary, Commission, dated September 17, 2019 (received September 26, 2019) (''LPL Letter''), *available at https://www.sec.gov/comments/sr-occ-2019-007/srocc2019007.htm.*

[6] In Partial Amendment No. 1, OCC appended an Exhibit 2 to the materials filed on August 9, 2019 regarding File No. SR–OCC–2019–007. The appended Exhibit 2 consists of communications from OCC concerning the proposal dated after OCC filed the proposal on August 9, 2019 and does not change the purpose of or basis for the Proposed Rule Change. References to the Proposed Rule Change from this point forward refer to the Proposed Rule Change, as amended by Partial Amendment No. 1.

[7] 15 U.S.C. 78s(b)(2).

[8] *Id.*

[9] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87256; File No. 265–33]

Asset Management Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Federal Advisory Committee Establishment.

SUMMARY: The Securities and Exchange Commission is publishing this notice to announce that the Chairman of the Commission, with the concurrence of the other Commissioners, intends to establish the Securities and Exchange Commission Asset Management Advisory Committee.

ADDRESSES: Written comments may be submitted by the following methods:

Electronic Comments

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov,* including File No. 265–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–33. To help us 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/other.shtml*). Comments also 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. 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.

FOR FURTHER INFORMATION CONTACT: Christian Broadbent or Mark Uyeda,

Senior Special Counsels, or Sirimal Mukerjee, Senior Counsel, at (202) 551–6720, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C.—App, the Commission is publishing this notice that the Chairman of the Commission, with the concurrence of the other Commissioners, intends to establish the Securities and Exchange Commission Asset Management Advisory Committee (the ''Committee''). The Chairman of the Commission affirms that the establishment of the Committee is necessary and in the public interest.[1]

The Committee's objectives and scope of its activities are to provide the Commission with (a) diverse perspectives on asset management, including (i) trends and developments affecting investors and market participants, (ii) the effects of globalization, including as it relates to operations, risks and regulation, and (iii) changes in the role of technology and service providers, as well as (b) related advice and recommendations.

No more than 21 voting members will be appointed to the Committee. Such members shall represent a cross-section of those directly affected by, interested in, and/or qualified to provide advice to the Commission on matters related to asset management. The Committee's membership will be balanced fairly in terms of points of view represented. Non-voting members may also be named.

The charter will provide that the duties of the Committee are to be solely advisory. The Commission alone will make any determinations of actions to be taken and policies to be expressed with respect to matters within the Commission's jurisdiction. The Committee will meet at such intervals as are necessary to carry out its functions. The charter contemplates that the full Committee will meet four times annually. Meetings of subgroups or subcommittees of the full Committee may occur more frequently.

The Committee will operate for two years from the date the charter is filed with the appropriate entities or such earlier date as determined by the Commission unless, before the expiration of that time period, it is renewed in accordance with the Federal Advisory Committee Act. The Committee may be established 15 days after publication of this notice in the **Federal Register** by filing a charter for the Committee with the Committee on Banking, Housing, and Urban Affairs of the United States Senate, the Committee on Financial Services of the United States House of Representatives, and the Committee Management Secretariat of the General Services Administration. A copy of the charter as so filed also will be filed with the Chairman of the Commission, furnished to the Library of Congress, and posted on the Commission's website at *www.sec.gov.*

By the Commission.

Dated: October 8, 2019.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2019–22391 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* 41 CFR 102–3.30(a).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87260; File No. 265–30]

Fixed Income Market Structure Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: Notice is being provided that the Securities and Exchange Commission Fixed Income Market Structure Advisory Committee will hold a public meeting on Monday, November 4, 2019 in Room 443 at the Commission's New York Regional Office, 200 Vesey Street, New York, NY 10281. The meeting will begin at 9:00 a.m. (ET) and will be open to the public. Pre-registration is required in order to attend the meeting in person (see below for information on pre-registration). The meeting will be webcast on the Commission's website at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact persons listed below. The public is invited to submit written statements to the Committee. The meeting will include updates and presentations from the subcommittees and discussions on secondary market trading in government securities.

DATES: The public meeting will be held on November 4, 2019. Written statements should be received on or before October 30, 2019.

ADDRESSES: The meeting will be held at the Commission's New York Regional Office, 200 Vesey Street, New York, NY 10281. Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–30 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Vanessa A. Countryman, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–30. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's internet website at *http://www.sec.gov/comments/265–30/265–30.shtml.*

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: David Dimitrious, Senior Special Counsel, at (202) 551–5131, or Ben Bernstein, Senior Special Counsel, at (202) 551–5354, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington DC 20549–7010.

SUPPLEMENTARY INFORMATION: All members of the public who wish to attend the meeting in person must register by October 30, 2019. To register, please complete the registration form available at the FIMSAC's web page at *https://www.sec.gov/spotlight/fixed-income-advisory-committee.* Upon arrival, all attendees will be required to sign in and be processed through security at the visitors desk. Please bring a government issued photo identification and allow extra time before the start of the meeting.

In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Brett Redfearn, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: October 9, 2019.

Vanessa A. Countryman,

Committee Management Officer.

[FR Doc. 2019–22433 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87256; File No. SR–MSRB–2019–10]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Amendment No. 1 to Proposed Rule Change To Amend and Restate the MSRB's August 2, 2012 Interpretive Notice Concerning the Application of Rule G–17 to Underwriters of Municipal Securities

October 8, 2019.

I. Introduction

On August 1, 2019, the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule (the ''original proposed rule change'') to amend and restate the MSRB's August 2, 2012 interpretive notice concerning the application of MSRB Rule G–17 to underwriters of municipal securities (the ''2012 Interpretive Notice'').[3] The original proposed rule change was published for comment in the **Federal Register** on August 9, 2019.[4] The Commission received three comment letters on the original proposed rule change.[5] On September 10, 2019, the MSRB granted an extension of time for the Commission to act on the filing until November 7, 2019. On October 7, 2019, the MSRB responded to the comments [6] and filed Amendment No. 1 to the original proposed rule change (''Amendment No. 1''). The text of Amendment No. 1 is available on the MSRB's website. [7] The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

A. Delivery of Complex Municipal Securities Financing Disclosures

In response to concerns raised in the comments, the MSRB is proposing in Amendment No. 1 to modify the original proposed rule change to state that the underwriter making a recommendation to an issuer regarding a financing structure or product, including, when applicable, a Complex Municipal Securities Financing Recommendation,[8] has the fair dealing obligation to deliver the applicable transaction-specific disclosures.[9] Consequently, when the syndicate manager (or any other underwriter in the syndicate) is not the underwriter making the recommendation of a financing structure or product to the issuer, the MSRB proposes in Amendment No. 1 to provide that such underwriter does not have a fair dealing obligation under the proposed rule change, as amended by Amendment No.1, to deliver the transaction-specific disclosures.[10] The MSRB states that Amendment No. 1, thus, proposes to revise the text of the original proposed rule change to clearly state and underscore that the transaction-specific disclosures ''must be provided to the issuer by the underwriter who has recommended a financing structure or product to the issuer.'' [11] Similarly, Amendment No. 1 also proposes to add a footnote to the original proposed rule change stating: ''Each underwriter, whether a sole underwriter, syndicate manager, or other member of the underwriting syndicate, has a fair dealing obligation under this notice to deliver transaction-specific disclosures where such underwriter has made a recommendation to an issuer regarding a financing structure or product.'' [12] Consistent with this modification, the MSRB in Amendment No. 1 proposes to make conforming revisions throughout the original proposed rule intended by the MSRB to emphasize and clearly articulate: (1) The circumstances when an underwriter has made a recommendation to an issuer regarding a financing structure and (2) that only an underwriter that has made such a recommendation to an issuer has the responsibility to deliver the applicable transaction-specific disclosures.[13] As an example of the type of revisions resulting from this modification, the MSRB in Amendment No. 1 proposes to change the original proposed rule change's references to the ''sole underwriter'' or ''syndicate manager'' under the section of the interpretive notice entitled ''Timing and Manner of Disclosures'' by replacing these references with revised references to an ''underwriter,'' ''the underwriter who has made a recommendation,'' and similar conforming language to emphasize that the transaction-specific disclosures must be provided by an underwriter who makes, or has made, a recommendation to an issuer regarding a financing structure.[14]

B. Application to Underwriters Serving as Placement Agents

In response to concerns raised in the comments, the MSRB is proposing in Amendment No. 1 to modify the original proposed rule change to further supplement the text incorporated into the 2012 Interpretive Notice by the original proposed rule change from the Implementation Guidance [15] that describes the ability of dealers to modify certain standard disclosures when acting as an agent to place securities on behalf of an issuer.[16] Pursuant to Amendment No. 1, the MSRB proposes to supplement the text in the original proposed rule change with the following, ''[a]s a threshold matter, the disclosures delivered by an underwriter to an issuer must not be inaccurate or misleading, and nothing in this notice should be construed as requiring an underwriter to make a disclosure to an issuer that is false.'' [17] The MSRB believes this modification to be a clarifying change. By incorporating this additional language into the proposed rule change, the MSRB intends to further alleviate any potential

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The 2012 Interpretive Notice was approved by the SEC on May 4, 2012 and became effective on August 2, 2012. *See* Release No. 34–66927 (May 4, 2012); 77 FR 27509 (May 10, 2012) (File No. SR–MSRB–2011–09); and MSRB Notice 2012–25 (May 7, 2012). The 2012 Interpretive Notice is available here.

[4] Exchange Act Release No. 86572 (Aug. 5, 2019), 84 FR 39646 (Aug. 9, 2019) (''Notice''). The comment period closed on August 30, 2019.

[5] *See* Letter to Secretary, Commission, from Tamara K. Salmon, Associate General Counsel, Investment Company Institute dated Aug. 30, 2019, Letter to Secretary, Commission, from Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated August 30, 2019; Letter to Secretary, Commission, from Susan Gaffney, Executive Director, National Association of Municipal Advisors, dated August 30, 2017.

[6] *See* Letter from Gail Marshall, Chief Compliance Officer, MSRB, to Secretary, SEC, dated October 7, 2019, available at *https://www.sec.gov/comments/sr-msrb-2019-10/srmsrb201910-6261133-193028.pdf.*

[7] Amendment No. 1 is available at *http://msrb.org/~/media/Files/SEC-Filings/2019/MSRB-2019-10-A-1.ashx?.*

[8] As defined in Exhibit 5 to Amendment No. 1.

[9] *See* Amendment No. 1.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] As defined in the Notice.

[16] *See* Amendment No. 1.

[17] *Id.*

misperceptions that an underwriter's duty of fair dealing requires it to deliver particular disclosure language in situations where such language is not actually true.[18]

C. Application to Underwriters of Municipal Fund Securities

In response to concerns raised in the comments, the MSRB is proposing in Amendment No. 1 to delete text incorporated into the original proposed rule change from the Implementation Guidance that, as originally filed, defines the application of the original proposed rule change to the circumstances of a continuous offering of municipal fund securities.[19] As revised by Amendment No. 1, the proposed rule change would state, ''[t]his notice does not apply to a dealer acting as a primary distributor in a continuous offering of municipal fund securities.'' [20] Thus, the proposed rule change, as revised by Amendment No. 1, makes clear that the specific fair dealing duties outlined in the proposed rule change—which articulate the delivery of certain disclosures at particular times during the course of an underwriting transaction—would not be applicable to the situations of a dealer serving as a primary distributor in a continuous offering of municipal fund securities.[21]

The MSRB notes that Amendment No. 1 does not revise the portion of the text of the original proposed rule change indicating that the fair dealing obligations outlined in the interpretive notice may serve as one of many bases for dealers acting in a capacity not specifically addressed therein—such as a dealer serving as a primary distributor in a continuous offering of municipal fund securities—to determine how to establish appropriate policies and procedures for ensuring it meets its fair dealing obligations under Rule G–17.[22] Accordingly, the MSRB notes, dealers acting as a primary distributor in a continuous offering of municipal fund securities could use the proposed rule change as a basis to determine how to establish appropriate policies and procedures for ensuring it meets its fair dealing obligations under Rule G–17, until such time as the MSRB issues more specific guidance.[23]

[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *Id.*

D. Conforming the Personnel to Whom Disclosures May Be Delivered

The MSRB is proposing in Amendment No. 1 to revise the original proposed rule change to clarify the particular issuer personnel to whom a disclosure must be delivered and to articulate a uniform and consistent standard in each section of the revised interpretive notice.[24] Under the section entitled ''Acknowledgement of Disclosure,'' the text of the original proposed rule change modified the language of the 2012 Interpretive Notice to state that, ''[w]hen delivering a disclosure, the underwriter must attempt to receive a written acknowledgement by the official of the issuer identified by the issuer as the as the primary contact for the issuer of receipt of the foregoing disclosures. In the absence of such identification, an underwriter may seek acknowledgement from an official of the issuer whom the underwriter reasonably believes has authority to the bind the issuer by contract with the underwriter.'' However, under the section entitled ''Timing and Manner of Disclosures,'' the original proposed rule change maintains the original text of the 2012 Interpretive Notice without revision to state that the standard disclosures, transaction-specific disclosures, and dealer-specific disclosures, ''. . . must be made in writing to an official of the issuer that the underwriter reasonably believes has the authority to bind the issuer by contract with the underwriter and that, to the knowledge of the underwriter, is not a party to a disclosed conflict.'' The MSRB stated that it believes that the relevant provisions could be misinterpreted as inconsistent and potentially understood to result in different disclosure outcomes. Accordingly, the MSRB proposes in Amendment No. 1 to modify the proposed rule change to uniformly clarify the issuer personnel to whom a disclosure must be delivered, including by making revisions to the portion of the text under the sections entitled ''Timing and Manner of Disclosures,'' ''Acknowledgment of Disclosure,'' and ''Required Disclosures to Issuers.'' [25] The MSRB believes this amendment to be of a technical nature, intended to avoid potential confusion regarding an underwriter's fair dealing obligations to deliver certain disclosures to an issuer.[26]

[24] *Id.*
[25] *Id.*
[26] *Id.*

E. Other Conforming Technical Amendments

The MSRB is proposing in Amendment No. 1 to modify the original proposed rule change with technical revisions that the MSRB intends to improve internal consistency of the proposed rule change and otherwise improve its clarity.[27] For example, the original proposed rule change stated in a footnote that:

> For the avoidance of doubt, in offerings where a syndicate is formed, the disclosure obligation for an underwriter to make its dealer-specific disclosures is triggered—if any such actual material conflicts of interest or potential material conflicts of interest must be so disclosed—when such underwriter becomes engaged as a member of the underwriting syndicate (except with regard to conflicts discovered or arising after such co-managing underwriter has been engaged). Consistent with the obligation of sole underwriters and syndicate managers, each underwriter in the syndicate must make any applicable dealer-specific disclosures discovered or arising after being engaged as an underwriter in the syndicate as soon as practicable after being discovered and with sufficient time for the issuer to fully evaluate such a conflict and its implications.[28]

The MSRB proposes in Amendment No. 1 to delete the ''for avoidance of doubt'' phrase and to add a comma to the final sentence to improve the clarity of the footnote. The MSRB believes this revision and others similar to it to be of a technical nature.[29] Similarly, the original proposed rule change defines the term ''issuers'' to mean ''states and their political subdivisions that are issuers of municipal securities,'' but then uses the phrase ''issuers of municipal securities'' in several instances. The MSRB believes the phrases to be redundant with the term ''issuers'' as defined in the original proposed rule change and so proposes to revise the relevant text to just state ''issuers'' or ''issuer,'' as appropriate.[30]

Relatedly, the original proposed rule change revised the 2012 Interpretive Notice to pluralize certain references to underwriters. The MSRB proposes in Amendment No. 1 to reverse these changes to promote clarity. The proposed rule change also incorporated various references from the Implementation Guidance related to an underwriter's recommendation of a ''structure or product,'' but did not make conforming references throughout the text. The MSRB proposes in Amendment No. 1 to avoid potential confusion in this regard by revising

[27] *Id.*
[28] *See* Exhibit 5 to the Notice.
[29] *See* Amendment No. 1.
[30] *Id.*

relevant portions of the original proposed rule change to reference a ''financing structure or product'' where a conforming reference is appropriate.[31]

As a final example, the original proposed rule change defines the terms ''complex municipal securities financing'' and ''Complex Municipal Financing Recommendation.'' In Amendment No. 1, the MSRB proposes to revise the proposed rule change to promote consistency of these concepts by redefining the latter term to ''Complex Municipal Securities Financing Recommendation'' and make conforming changes throughout the document.[32]

III. Date of Effectiveness of the Proposed Rule Change and Amendment No. 1

As stated in the original proposed rule change, following the approval of the proposed rule change, the MSRB will publish a regulatory notice within 90 days of the publication of approval in the **Federal Register** (the 2012 Interpretive Notice, so amended by the proposed rule change, is referred to herein as the ''Revised Interpretive Notice''), and such notice shall specify the compliance date for the amendments described in the proposed rule change, which in any case shall be not less than 90 days, nor more than one year, following the date of the notice establishing such compliance date.[33]

The MSRB is requesting accelerated approval of Amendment No. 1.[34] The MSRB believes the Commission has good cause, pursuant to Section 19(b)(2) of the Act, for granting accelerated approval of Amendment No. 1.[35] The MSRB believes that the Commission has good cause, pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934, for granting accelerated approval of Amendment No. 1. Specifically, the MSRB believes that the modifications to the original proposed rule change are responsive to commenters. The MSRB states that Amendment No. 1 proposes to revise the original proposed rule change to state that (1) the underwriter making a recommendation to the issuer regarding a financing structure, including, when applicable, a Complex Municipal Securities Financing Recommendation, has the fair dealing obligation to deliver the applicable transaction-specific disclosures and (2) the notice does not apply to a dealer acting as a primary distributor in a continuous offering of municipal fund securities. Beyond these modifications, the MSRB states that Amendment No. 1 otherwise proposes to revise the original proposed rule change with technical modifications intended to more precisely define the scope of its application and/or to promote clarity in its interpretation. The MSRB believes that these modifications are consistent with the original proposed rule change.[36]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the filing as amended by Amendment No. 1 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–MSRB–2019–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2019–10. 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 MSRB. 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–MSRB–2019–10 and should be submitted on or before October 29, 2019.

For the Commission, pursuant to delegated authority.[37]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–22388 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

[31] *Id.*

[32] *Id.*

[33] *See* Notice.

[34] *See* Amendment No. 1.

[35] *Id.*

[36] *Id.*

[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87257; File No. SR–OCC–2019–805]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Partial Amendment No. 1 and Notice of No Objection to Advance Notice, as Modified by Partial Amendment No. 1, Concerning a Proposed Capital Management Policy That Would Support the Options Clearing Corporation's Function as a Systemically Important Financial Market Utility

October 8, 2019.

I. Introduction

On August 9, 2019, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2019–805 (''Advance Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'') [3] to adopt a policy concerning capital management at OCC, which includes OCC's plan to replenish its capital in the event it falls close to or below target capital levels.[4] The Advance Notice was published for public comment in the **Federal Register** on September 11, 2019,[5] and the

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

[4] *See* Notice of Filing *infra* note 5, at 84 FR 47990.

[5] Securities Exchange Act Release No. 86888 (Sep. 5, 2019), 84 FR 47990 (Sep. 11, 2019) (File No. SR–OCC–2019–805) (''Notice of Filing''). On August 9, 2019, OCC also filed a related proposed rule change (SR–OCC–2019–007) with the Commission pursuant to Section 19(b)(1) of the Exchange Act

Commission has received comments regarding the changes proposed in the Advance Notice.[6] On September 11, 2019, OCC filed a partial amendment (''Partial Amendment No. 1'') to modify the Advance Notice.[7] The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons and, for the reasons discussed below, is hereby providing notice of no objection to the Advance Notice.

II. Background

On February 13, 2019, the Commission issued an order disapproving a rule change that OCC proposed regarding a plan to increase OCC's capitalization.[8] OCC now proposes changes to adopt, as part of its rules, a new policy concerning capital management at OCC (''Capital Management Policy''). Specifically, the proposed Capital Management Policy would (i) describe how OCC would determine the amount of liquid net assets funded by equity (''LNAFBE'') necessary to cover OCC's potential general business losses; (ii) require OCC to hold a minimum amount of shareholders equity (''Equity'') sufficient to support the amount of LNAFBE determined to be necessary;[9] and (iii) establish a plan for replenishing OCC's capital in the event that Equity were to fall below certain thresholds. OCC also proposes to revise its existing rules to support the terms of the proposed Capital Management policy.

A. Determining Capital Requirements

As noted above, OCC proposes to adopt rules describing the determination of the LNAFBE necessary to cover potential general business losses. As proposed, LNAFBE would be a subset of OCC's overall Equity—specifically, cash and cash equivalents, less any approved adjustments—and therefore could not, by definition, exceed Equity. Specifically, OCC proposes to set a ''Target Capital Requirement,'' which would be based on two components: (i) The amount of LNAFBE determined by OCC to be necessary to ensure compliance with OCC's regulatory obligations, including Rule 17Ad–22(e)(15) under the Exchange Act;[10] and (ii) any additional amounts determined to be necessary and appropriate for capital expenditures approved by OCC's Board.[11]

With respect to the first component of the Target Capital Requirement, to ensure that it is set at a level sufficient to ensure compliance with OCC's regulatory obligations, OCC proposes to set its Target Capital Requirement, at a minimum, equal to the greater of three amounts: (i) An amount equal to six months of OCC's current operating expenses; (ii) the amount determined by OCC's Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services (''RWD Amount'');[12] or (iii) the amount determined by OCC's Board to be sufficient for OCC to continue operations and services as a going concern if general business losses materialize (''Potential Loss Amount'').[13] OCC believes that a minimum Target Capital Requirement sized to cover at least these three amounts would address OCC's obligations under Exchange Act Rule 17Ad–22(e)(15).[14] With respect to the second component of the Target Capital Requirement, the proposal would authorize OCC's Board to increase the Target Capital Requirement by an amount to be retained for capital expenditures.[15] OCC's Board would be responsible for reviewing and approving the Target Capital Requirement annually.

B. Maintaining Capital

As noted above, OCC proposes to adopt rules that would require it to hold the minimum amount of Equity necessary to cover the Target Capital Requirement. Specifically, OCC proposes to adopt rules pertaining to the monitoring and management of OCC's Equity. Under the proposed rules, OCC's senior management would be responsible for reviewing analyses, including projections of future volume, expenses, cash flows, capital needs and other factors, to help ensure adequate financial resources are available to meet general business obligations. Such analyses would also include a monthly review of whether OCC's Equity falls close to or below the Target Capital Requirement. Under the proposal, OCC would view Equity less than 110 percent of the Target Capital Requirement as falling close to the Target Capital Requirement.[16] OCC

and Rule 19b–4 thereunder (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. In the Proposed Rule Change, which was published in the **Federal Register** on August 27, 2019, OCC seeks approval of proposed changes to its rules necessary to implement the Advance Notice. Securities Exchange Act Release No. 86725 (Aug. 21, 2019), 84 FR 44944 (Aug. 27, 2019). The comment period for the related Proposed Rule Change filing closed on September 17, 2019.

[6] *See* letter from Jacqueline Mesa, Chief Operating Officer & Senior Vice President of Global Policy Futures Industry Association (''FIA''), dated September 17, 2019, to Vanessa Countryman, Secretary, Commission (''FIA Letter''); letter from Joseph P. Kamnik, Senior Vice President and Chief Regulatory Counsel, OCC, dated September 20, 2019 to Vanessa Countryman, Secretary, Commission (''OCC Letter''); letter from Steven Morrison, SVP, Associate General Counsel, LPL Financial (''LPL''), dated September 17, 2019 (received September 26, 2019) to Brent J. Fields, Secretary, Commission, (''LPL Letter''); letter from Brian Sopinsky, General Counsel, Susquehanna International Group (''SIG''), dated October 1, 2019, to Vanessa Countryman, Secretary, Commission (''SIG Letter''); memorandum from Sean Memon, Chief of Staff to Chairman Jay Clayton, Commission, to File No. SR–OCC–2019–007, dated October 2, 2019, *available at https://www.sec.gov/comments/sr-occ-2019-007/srocc2019007.htm.*

Since the proposal contained in the Advance Notice was also filed as a proposed rule change, all public comments received on the proposal are considered regardless of whether the comments are submitted on the proposed rule change or the Advance Notice.

[7] In Partial Amendment No. 1, OCC appended an Exhibit 2 to the materials filed on August 9, 2019 regarding File No. SR–OCC–2019–805. The appended Exhibit 2 consists of communications from OCC concerning the proposal dated after OCC filed the proposal on August 9, 2019 and does not change the purpose of or basis for the Advance Notice. References to the Advance Notice from this point forward refer to the Advance Notice, as amended by Partial Amendment No. 1.

[8] *See* Securities Exchange Act Release No. 85121 (Feb. 13, 2019), 84 FR 5157 (Feb. 20, 2019) (File No. SR–OCC–2015–02).

[9] LNAFBE would mean cash and cash equivalents to the extent that such cash and cash equivalents do not exceed Equity.

[10] 17 CFR 240.17Ad–22(e)(15).

[11] In setting the Target Capital Requirement, OCC would also consider but not be bound by, its projected rolling twelve-months' operating expenses pursuant to OCC's interpretation of Commodity Exchange Act Rule 39.11(a)(2). 17 CFR 39.11(a)(2). Nothing in this Order constitutes an interpretation of Rule 39.11(a)(2) under the Commodity Exchange Act by the Commission or an endorsement of OCC's interpretation of Rule 39.11(a)(2).

[12] Under the proposal, OCC's Board would approve the RWD Amount annually at a level designed to cover the cost to maintain OCC's critical services over the recovery or wind-down period. Identification of OCC's critical services and the length of time necessary to recover or wind-down is covered in OCC's Recovery and Wind-Down Plan. *See* Securities Exchange Act Release No. 83918 (Aug. 23, 2018), 83 FR 44091 (Aug. 29, 2018).

[13] Under the proposal, OCC's Board would set the Potential Loss Amount by analyzing and aggregating potential losses from individual operational risk scenarios, aggregating the loss events, and conducting loss modeling at or above the 99 percent confidence level.

[14] *See* Notice of Filing, 84 FR at 47991.

[15] Under the proposal, OCC's Board could determine, in the alternative, to fund capital expenditures out of funds in excess of the Target Capital Requirement. OCC stated that, in making such a determination, its Board would consider factors including, but not limited to, the amount of funding required, the amount of Equity proposed to be retained, the potential impact of the investment on OCC's operations, and the duration of time over which funds would be accumulated. *See* Notice of Filing, 84 FR at 47991.

[16] OCC stated that 10 percent of the Target Capital Requirement represents approximately two months of earnings, and that OCC believes that a two-month window would provide OCC's senior management and Board sufficient time to respond to a deterioration of OCC's capital. *See* Notice of Filing, 84 FR at 47992.

would refer to a breach of this 110 percent threshold as an ''Early Warning.'' Under the proposed rules, OCC's senior management would be obligated to notify OCC's Board promptly if Equity were to fall below the Early Warning threshold and to recommend to the Board whether to implement a fee increase in an amount that the Board determines necessary and appropriate to raise additional Equity.

Under the proposal, OCC's senior management would also, on a quarterly basis, review OCC's schedule of fees in consideration of projected operating expenses, projected volumes, anticipated cash flows, and capital needs. Based on its review, OCC's senior management would recommend to OCC's Board Compensation and Performance Committee whether to issue a fee increase, decrease or fee waiver. Additionally, if Equity were to exceed 110 percent of the Target Capital Requirement plus an amount of excess Equity approved for capital expenditures, OCC's Board could reduce the cost of clearing by lowering fees, declaring a fee holiday, or issuing refunds.

OCC stated that resources held to meet OCC's Target Capital Requirement would be in addition to OCC's resources to cover participant defaults.[17] OCC proposes, however, to mitigate losses arising out of a Clearing Member default with OCC's excess capital. Specifically, OCC proposes to offset default losses remaining after the application of a defaulted Clearing Member's margin deposits and Clearing Fund contributions with capital in excess of 110 percent of the Target Capital Requirement (''skin-in-the-game''). OCC also proposes to charge losses remaining after the application of skin-in-the-game to OCC senior management's deferred compensation as well as non-defaulting Clearing Members.[18]

C. Replenishing Capital

OCC proposes to establish a plan for replenishing its capital in the event that Equity were to fall below certain thresholds (''Replenishment Plan''). As described above, OCC proposes to establish an Early Warning threshold to define when OCC's Equity falls close enough to the Target Capital Requirement to require action. OCC also proposes to establish two ''Trigger Event'' thresholds to identify (i) whether OCC's Equity were to fall below the Target Capital Requirement; and (ii) the appropriate response based on the severity and speed of capital deterioration. Further, the proposed Capital Management Policy would require that, on an annual basis, OCC's Management recommend that the Board approve or, as appropriate, modify the Replenishment Plan, and that the Board review and, as appropriate, approve Management's recommendation.

Under the proposed rules, a Trigger Event would occur if OCC's Equity were to remain below 100 percent of the Target Capital Requirement for a period of 90 consecutive calendar days (referred to herein as the ''Moderate Trigger Event''). OCC believes that the failure of a fee increase resulting from an Early Warning to increase OCC's Equity above the Target Capital Requirement within 90 days would indicate that corrective action in the form of a fee increase would be insufficient.[19] Under the proposed rules, a Trigger Event would also occur if OCC's Equity were to fall below 90 percent of the Target Capital Requirement at any time (referred to herein as the ''Severe Trigger Event''). OCC believes that a Severe Trigger Event would be a sign that corrective action more significant and with a more immediate impact than increasing fees should be taken to increase OCC's Equity.[20]

As noted above, OCC's Board would be authorized to approve fee increases to address the deterioration of OCC's capital over time. To address the more acute capital replenishment needs posed by the Trigger Events, OCC proposes to authorize the use of two additional resources: (i) Funds held under The Options Clearing Corporation Executive Deferred Compensation Plan Trust (''EDCP'');[21] and (ii) funds obtained by levying a special fee on Clearing Members.

In response to a Trigger Event, OCC would be required to replenish its capital first through the contribution of the EDCP Unvested Balance. The amount of the EDCP Unvested Balance contributed would be the lesser of (i) the entire EDCP Unvested Balance or (ii) the amount necessary to raise OCC's Equity above 110 percent of the Target Capital Requirement. If a contribution of the entire EDCP Unvested balance were necessary, OCC would be required to reevaluate its Equity vis-à-vis the Target Capital Requirement to determine whether further action would be required following such a contribution.

The proposed rules would require that OCC take further action if, after contributing the entire EDCP Unvested Balance, either: (i) Equity were to remain above 90 percent, but below 100 percent, of the Target Capital Requirement for an additional 90-day period;[22] or (ii) Equity were below 90 percent of the Target Capital Requirement. Under the proposal, if OCC were to determine that further action would be necessary to replenish its capital, OCC would be required to levy a special fee on its Clearing Members (''Operational Loss Fee''), which would be payable within five business days of OCC providing notice to the Clearing Members. Accordingly, OCC proposes to amend its schedule of fees to describe the maximum Operation Loss Fee that it could charge Clearing Members. The maximum Operational Loss Fee would be sized to provide OCC with the RWD Amount after any applicable taxes (''Adjusted RWD Amount'').[23] Under the proposal, OCC would be authorized to charge Clearing Members, collectively, the lesser of (i) the maximum Operational Loss Fee; or (ii) the amount necessary to raise OCC's Equity above 110 percent of the Target Capital Requirement. Under the proposal, OCC would allocate the Operational Loss Fee equally among the Clearing Members. OCC believes that charging the Operational Loss Fee in equal shares is preferable to other potential allocation methods because it would equally mutualize the risk of operational loss among the firms that use OCC's services.[24]

The proposed rules would permit OCC to charge amounts only up to the maximum Operational Loss Fee. If, after charging some amount less than the maximum Operational Loss Fee, OCC were to issue clearing fee refunds to manage excess capital, OCC would issue such refunds in equal shares until the amount of the Operational Loss Fee charged to each Clearing Member had been fully refunded. If OCC were to

[17] *See* Notice of Filing, 84 FR at 47997.

[18] Such losses would be charged on a pro rata basis to (a) non-defaulting Clearing Members' Clearing Fund contributions, and (b) the aggregate value of the EDCP Unvested Balance (defined below).

[19] *See* Notice of Filing, 84 FR at 47992.

[20] *See id.*

[21] The EDCP funds available for capital replenishment would be only those funds that are (i) deposited on or after January 1, 2020 in respect of the EDCP and (ii) in excess of amounts necessary to pay for benefits accrued and vested under the EDCP at such time (''EDCP Unvested Balance'').

[22] The 90-calendar day term of a subsequent Moderate Trigger Event would be measured beginning on the date OCC applies the EDCP Unvested Balance.

[23] OCC acknowledged that the tax implications of the income represented by the Operational Loss Fee would depend on the extent to which any operational loss giving rise to a Trigger Event would be tax deductible. *See* Notice of Filing, 84 FR at 47993.

[24] *See id.* OCC stated that it found no evidence of a correlation between the risk of operational loss and either volume or a Clearing Member's credit risk profile. *See id.*

charge some amount less than the maximum Operational Loss Fee, then the proposed rules would allow OCC to charge another Operational Loss Fee in the future, provided that the sum of all Operational Loss Fees, less amounts refunded, could not exceed the maximum Operational Loss Fee. In the event that OCC were to charge the maximum Operational Loss Fee, OCC would then be required to convene its Board to develop a new replenishment plan.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the advance notice is consistent with the Clearing Supervision 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–OCC–2019–805 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–OCC–2019–805. 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 such filings will also be available for inspection and copying at the principal office of OCC and OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

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–OCC–2019–805 and should be submitted on or before October 30, 2019.

IV. Summary of Comments

As noted above, the Commission received comments on the substance of the proposal. In its comment, the FIA requests clarification regarding certain aspects of OCC's proposal, raises concerns about other aspects, and generally expresses the hope that its concerns will be addressed prior to the approval of the related Proposed Rule Change.[25] The FIA appreciates certain aspects of OCC's proposed skin-in-the-game provisions and characterizes them as positive and important steps in the right direction.[26] At the same time, the FIA suggests that the minimum amount of skin-in-the-game should be clearly defined, scalable, and prefunded.[27] In response, OCC states that the Commission has not imposed a skin-in-the-game requirement, but that OCC nevertheless believes it is prudent to align OCC's incentives with those of the broader industry with respect to the management of risks faced by OCC and, as a result, has determined to propose the skin-in-the-game provisions included in its proposal.[28]

With respect to allocating a potential capital shortfall through the Operational Loss Fee, the FIA acknowledges that OCC has a hybrid ownership structure whereby it is owned by exchanges rather than members, and that OCC previously proposed to allocate capital shortfalls to shareholders rather than Clearing Members, but that proposal was disapproved by the Commission, and that as a result of those factors, OCC has now proposed to raise replenishment capital through the Operational Loss Fee. However, FIA expresses the belief that imposing the Operational Loss Fee on Clearing Members without providing a return is inequitable and that, ideally, OCC's shareholders should either be required to provide ''similar such commitment or allow for an equity dilution.''[29] In response, OCC notes that the Standards for Covered Clearing Agencies do not impose a requirement on the source of the funding other than the funds be ''equity'' of the clearing agency and that OCC originally proposed a plan for replenishment funding that would come from then-existing shareholders that was disapproved by the Commission.[30]

The FIA agrees with OCC's proposal to apportion equally resources raised from Clearing Members, but suggests that OCC should clarify the mechanism for returning such resources.[31] In response, OCC states that if an Operational Loss Fee were charged and OCC's capital subsequently exceeded 110 percent of the Target Capital Requirement such that OCC determined to return funds received pursuant to the charge, OCC would return the funds to Clearing Members in equal share to each Clearing Member that paid the Operational Loss Fee until such time as the aggregate amount of the Operational Loss Fee was returned.[32]

Contrary to the FIA's comment, LPL expresses the belief that the proposal to allocate the Operational Loss fee in equal shares among OCC's Clearing Members would be inequitable, and therefore, in contravention of Exchange Act Section 17A(b)(3)(D).[33] LPL acknowledges that Clearing Members may have access to clearance and settlement services provided by OCC, but states that allocating the Operational Loss Fee to Clearing Members in equal shares because they have equal access to the OCC's services would not necessarily result in an equitable allocation of such fees.[34] LPL argues that Clearing Members' actual use of, and therefore actual benefit derived from, the operational availability of the OCC's services vary widely, and as such, in the event of an operational loss, not every Clearing Member would suffer to the same degree.[35] Further, LPL argues that OCC's statement that there is no correlation between operational risks, on the one hand, and contract volume, on the other hand, is flawed inasmuch as it ignores the fact that a Clearing Member that makes greater use of the OCC's clearing and settlement system places greater strain on that system and thus exposes the system to greater operational risk.[36]

The FIA expresses the belief that any Board decision that results in the imposition of an Operational Loss Fee

[25] FIA Letter at 1.

[26] FIA Letter at 1.

[27] FIA Letter at 1–2.

[28] OCC Letter at 1.

[29] FIA Letter at 2.

[30] OCC Letter at 2.

[31] FIA Letter at 3.

[32] OCC Letter at 2–3. OCC's comment included an example to further clarify OCC's explanation. OCC Letter at 3.

[33] LPL Letter at 1.

[34] LPL Letter at 2.

[35] LPL Letter at 2–3.

[36] LPL Letter at 3.

should be ''syndicated with'' Clearing Members and that any resulting feedback from Clearing Members should be ''presented to the Board before any decisions are taken.'' [37] OCC responds by noting its strong belief that part of the viability of a plan to replenish capital is the speed with which that replenishment capital is accessible if needed and that, with respect to the Operational Loss Fee, relevant decisions related to imposing it would need to be made quickly, and as such they would not lend themselves to the additional step of consideration by Clearing Members before consideration by the Board.[38] OCC also expresses its view that OCC's By-Laws and the composition of the Board itself,[39] as well as a number of formal and informal mechanisms OCC has implemented to solicit Clearing Member and other interested stakeholder feedback,[40] ensure that a view informed by the Clearing Membership is already built into the Board's deliberations and decision-making. Thus OCC states the Capital Management Policy as a whole has been constructed with the benefit of the perspective of the Clearing Member community, and that any future Board decisions related to the imposition of an Operational Loss Fee would likewise benefit from the perspective of the Clearing Member community.[41] Further, the FIA expresses a concern that OCC's Board has a fiduciary duty to OCC, and by implication, not to Clearing Members that are not shareholders of OCC. In its response, OCC states that it has augmented its governance structure with a variety of formal and informal mechanisms to solicit Clearing Member and other interested stakeholder feedback.[42]

The FIA notes that, as a general matter, it believes that non-default losses should not be allocated to Clearing Members and that a CCP should absorb such losses through its capital,[43] and therefore OCC should ''revisit its approach to non-default losses and ensure its own adequate capitalization to cover this.'' [44] At the same time, the FIA acknowledges the time that would be required to raise resources through retained earnings.[45] OCC disagrees with the FIA's comment regarding allocation of non-default losses to Clearing Members in the context of OCC's current proposal and notes that (i) it has increased its capital reserves approximately tenfold since December 31, 2013; (ii) the Operational Loss Fee would be part of OCC's plan to replenish its capital rather than a mechanism to raise funds to meet the Target Capital Requirement; and (iii) an accumulation of retained earnings would still source the funds from Clearing Members.[46]

Finally, the FIA urges OCC to provide disclosures on any expenses or losses that could result in the Operational Loss Fee being charged, which the FIA asserts would assist Clearing Members in their own risk management.

V. Commission Findings and Notice of No Objection

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, the stated purpose of the Clearing Supervision Act is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities (''SIFMUs'') and strengthening the liquidity of SIFMUs.[47]

Section 805(a)(2) of the Clearing Supervision Act [48] authorizes the Commission to prescribe regulations containing risk-management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act [49] provides the following objectives and principles for the Commission's risk-management standards prescribed under Section 805(a):

- To promote robust risk management;
- to promote safety and soundness;
- to reduce systemic risks; and
- to support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk-management standards may address such areas as risk-management and default policies and procedures, among other areas.[50]

The Commission has adopted risk-management standards under Section 805(a)(2) of the Clearing Supervision Act and Section 17A of the Exchange Act (the ''Clearing Agency Rules'').[51] The Clearing Agency Rules require, among other things, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for its operations and risk-management practices on an ongoing basis.[52] As such, it is appropriate for the Commission to review advance notices against the Clearing Agency Rules and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act. As discussed below, the Commission believes the changes proposed in the Advance Notice are consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[53] and in the Clearing Agency Rules, in particular Rules 17Ad–22(e)(2) and (15).[54]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act.[55] The Commission

[37] FIA Letter at 3.

[38] OCC Letter at 3.

[39] OCC Letter at 3 (stating that more than two-thirds of OCC's directors are either Clearing Member directors or public directors).

[40] OCC Letter at 4 (stating that such mechanisms include: (i) The Financial Risk Advisory Committee; (ii) the Operations Roundtable; (iii) multiple letters and open calls with Clearing Members and other interested stakeholders; and (iv) routine in-person meetings with trade groups and individual firms).

[41] OCC Letter at 4.

[42] OCC Letter at 4.

[43] FIA Letter at 3.

[44] FIA Letter at 3.

[45] FIA Letter at 2.

[46] OCC Letter at 2–3.

[47] *See* 12 U.S.C. 5461(b).

[48] 12 U.S.C. 5464(a)(2).

[49] 12 U.S.C. 5464(b).

[50] 12 U.S.C. 5464(c).

[51] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (Nov. 2, 2012) (S7–08–11). *See also* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 Fed .Reg. 70786 (October 13, 2016) (S7–03–14) (''Covered Clearing Agency Standards''). The Commission established an effective date of December 12, 2016 and a compliance date of April 11, 2017 for the Covered Clearing Agency Standards. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5).

[52] 17 CFR 240.17Ad–22.

[53] 12 U.S.C. 5464(b).

[54] 17 CFR 240.17Ad–22(e)(2) and 17 CFR 240.17Ad–22(e)(15).

[55] Three of the issues raised by the FIA's comments are made with reference to the Proposed Rule Change, and, to the extent they are relevant to the Commission's review and evaluation thereof, will be addressed in that context. Specifically, the FIA expresses the belief that (i) the proposed application of the Operational Loss Fee is inequitable; (ii) as a general matter, non-default losses should not be allocated to Clearing Members and that a CCP should absorb such losses through its capital; and (iii) OCC should provide disclosures on any expenses or losses that could result in the Operational Loss Fee being charged. The Commission's evaluation of the Advance Notice is conducted under the Clearing Supervision Act and, as noted above, generally considers whether the proposal will mitigate systemic risk and promote financial stability. The Commission notes that the FIA has not explained or demonstrated how the absence of either a return on fees or the incorporation of shareholders in OCC's capital management planning would cause the proposal to be inconsistent with the Clearing Supervision Act.

LPL's and SIG's comments are also directed at the Proposed Rule Change and will be addressed in that

believes that the proposed rules regarding the determination of the Target Capital Requirement and monitoring of OCC's capital levels are consistent with the promotion of robust risk management because they are designed to ensure that OCC maintains the resources necessary to continue operations and services as a going concern in the event that OCC suffers general business losses. OCC's Target Capital Requirement would be designed to cover at least the Potential Loss Amount (*i.e.,* the amount necessary for OCC to continue operations and services as a going concern if general business losses materialize). As such, OCC could be expected to rely on its LNAFBE to address general business losses, which would, by definition, be limited by Equity. Further, OCC proposes to monitor Equity levels, and take action where those levels fall below the Early Warning threshold. The Commission believes, therefore, that setting and monitoring the level of OCC's Equity above the amount of capital that OCC has determined is necessary to cover the risk of potential general business losses is consistent with robust risk management. Further, OCC proposes to charge losses remaining after the application of skin-in-the-game to OCC senior management as well as Clearing Members by, as discussed above, replenishing its capital first through the contribution of the EDCP Unvested Balance. The Commission believes that making senior management's resources available for default management would help align senior management's personal economic incentives with OCC's overall risk management incentives, thereby promoting robust risk management at OCC.

The Commission believes that the proposed changes pertaining to capital monitoring and replenishment are consistent with the promotion of safety and soundness because such changes would be designed to monitor, maintain, and, if necessary, replenish the capital that OCC would rely on to remain a going concern. As described above, OCC would project future volume, expenses, cash flows, capital needs and other factors to help ensure adequate financial resources are available to meet general business obligations. OCC would also, on a monthly basis, review Equity against the Target Capital Requirement to determine whether an Early Warning or Trigger Event had occurred. In response to such monitoring, OCC would use fee-related tools (*e.g.,* increases, decreases, refunds, or fee waivers) to manage OCC's capital as necessary on an ongoing basis. Further, OCC would apply the EDCP Unvested Balance and the Operational Loss Fee to replenish capital as necessary. The Commission believes that the proposed combination of capital monitoring, management, and replenishment tools is consistent with promoting safety and soundness because it would support OCC's ability to maintain the capital necessary to remain a going concern following the realization of general business losses. Further, the Commission believes that to the extent the proposed changes are consistent with promoting OCC's safety and soundness, they are also generally consistent with supporting the stability of the broader financial system. OCC has been designated as a SIFMU, in part, because its failure or disruption could increase the risk of significant liquidity or credit problems spreading among financial institutions or markets.[56] The Commission believes that the proposed changes would help support the maintenance of OCC as a going concern, even in the face of significant general business losses, which in turn would help support the stability of the financial system by reducing the risk of significant liquidity or credit problems spreading among market participants that rely on OCC's central role in the options market.

Finally, the Commission believes that the proposed changes to increase OCC's default management resources are consistent with the reduction of systemic risk because such increase enhances the ability of OCC to absorb and contain the spread of any losses that might arise from a member default. As discussed above, the resources held to meet OCC's Target Capital Requirement would be in addition to OCC's resources to cover participant defaults. Capital in excess of 110 percent of the Target Capital Requirement, however, would be available as skin-in-the-game to offset default losses remaining after the application of a defaulted Clearing Member's margin deposits and Clearing Fund contributions. OCC does not propose to guaranty a set amount of pre-funded skin-in-the-game, but by providing for a mechanism by which OCC would identify such resources, the proposal could provide additional resources to absorb and contain the spread of losses arising from a participant default. Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Section 805(b) of the Clearing Supervision Act.[57]

A. Consistency With Rule 17Ad–22(e)(2) Under the Exchange Act

Rule 17Ad–22(e)(2) under the Exchange Act generally requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that meet a number of criteria.[58] In adopting Rule 17Ad–22(e)(2), the Commission discussed comments it received regarding incentives and the concept of skin-in-the-game.[59] The Commission stated its belief that ''the proper alignment of incentives is an important element of a covered clearing agency's risk management practices,'' and noted that skin-in-the-game ''may place a role in those risk management practices in many instances, but in other instances may not be essential to a robust governance framework.''[60] Further, the Commission declined to include a specific skin-in-the-game requirement in Rule 17Ad–22(e), and expressed the belief that it is appropriate to provide covered clearing agencies with flexibility, subject to their obligations and responsibilities as SROs under the Exchange Act, to structure their default management processes to take into account the particulars of their financial resources, ownership structures, and risk management frameworks.[61] As described above, the FIA suggests that OCC's proposal should have a minimum amount of skin-in-the-game that is clearly defined, scalable, and prefunded. But the approach the FIA comment suggests is not provided for in the proposal submitted to the Commission, and, as noted above, the Commission's rules do not require such a skin-in-the-game approach. Nonetheless, the Commission believes OCC's inclusion of its specific proposed skin-in-the-game component into its Capital Management Policy proposal is

context. LPL has not explained or demonstrated how the equal allocation of the Operational Loss Fee across Clearing Members would cause the proposal to be inconsistent with the Clearing Supervision Act. Similarly, SIG has not explained or demonstrated how a hypothetical future sale would cause the proposal to be inconsistent with the Clearing Supervision Act. Similarly, SIG has not explained or demonstrated how a hypothetical future sale would cause the proposal to be inconsistent with the Clearing Supervision Act.

[56] *See* Financial Stability Oversight Council (''FSOC'') 2012 Annual Report, Appendix A, *https://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf* (last visited Sep. 20, 2019).

[57] 12 U.S.C. 5464(b).

[58] 17 CFR 240.17Ad–22(e)(2).

[59] Covered Clearing Agency Standards, 81 FR at 70805–06.

[60] Covered Clearing Agency Standards, 81 FR at 70806.

[61] *Id.*

consistent with the Clearing Supervision Act because, among other things, it promotes robust risk management, as discussed above.

As described above, the FIA expresses the belief that any Board decision that results in the imposition of an Operational Loss Fee should be ''syndicated with'' Clearing Members and that any resulting feedback from Clearing Members should be ''presented to the Board before any decisions are taken.'' [62] In response, OCC refers to the requirements of its By-Laws that result in more than two-thirds of OCC's directors being either Clearing Member directors or public directors).[63] Further, OCC expresses its strong belief that part of the viability of a plan to replenish capital is the speed at which that replenishment capital is accessible. OCC's response is persuasive. Rule 17Ad–22(e)(2)(iii) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that support the public interest requirements of Section 17A of the Exchange Act applicable to clearing agencies, and the objectives of owners and participants.[64] In adopting Rule 17Ad–22(e)(2), the Commission added paragraph (vi) in response to comments regarding the scope of Rule 17Ad–22(e)(2)(iii).[65] Paragraph (vi) of Rule 17Ad–22(e)(2) specifically addresses the consideration of the interests of participants' customers, securities issuers and holders, and other relevant stakeholders of the covered clearing agency.[66] In adopting Rule 17Ad–22(e)(2), the Commission noted that the inclusion of independent directors on a clearing agency's board may be one mechanism for helping to ensure that the relevant views of stakeholders are presented and considered.[67] In the context of default management, the Commission has acknowledged that risk exposures can change rapidly during periods of market stress.[68] Similarly, the Commission believes that the general business risk exposures, and related losses, may change rapidly during periods of stress, and, in turn, that there is a benefit to a covered clearing agency's ability to respond to such changes in a timely fashion.

Further, as described above, the FIA expresses a concern that OCC's Board has a fiduciary duty to OCC, and by implication, not to Clearing Members; however, OCC's response describes the formal and informal mechanisms that OCC employs to solicit feedback from Clearing Members and other interested stakeholders, and this response is persuasive. In adopting Rule 17Ad–22(e)(2), the Commission noted that the approach a covered clearing agency may take in considering the views of stakeholders could vary depending on the ownership structure or organizational form of the covered clearing agency.[69] The Commission believes that the governance arrangements proposed by OCC in connection with the Advance Notice and discussed above are consistent with the consideration of the interests of OCC's participants and are consistent with Rule 17Ad–22(e)(2).

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Rule 17Ad–22(e)(2) under the Exchange Act.[70]

B. Consistency With Rule 17Ad–22(e)(15) Under the Exchange Act

Rule 17Ad–22(e)(15) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage the covered clearing agency's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that the covered clearing agency can continue operations and services as a going concern if those losses materialize, including by taking the actions described in Rules 17Ad–22(e)(15)(i)–(iii) under the Exchange Act.[71] Rule 17Ad–22(e)(15)(i) under the Exchange Act requires that the policies and procedures described under Rule 17Ad–22(e)(15) include determining the amount of liquid net assets funded by equity based upon a covered clearing agency's general business risk profile and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken.[72]

As described above, OCC proposes to adopt rules governing OCC's process for determining the amount of Equity required to support the LNAFBE necessary to cover potential general business losses. The proposal is designed to identify and maintain the resources necessary for OCC to recover or wind-down its critical operations or services as well as to remain a going concern following the realization of losses due to general business risk. The proposal would also allow for the inclusion of Board-approved capital expenditures in setting OCC's Target Capital Requirement. The Commission believes, therefore, that the proposal is consistent with Rule 17Ad–22(e)(15)(i).[73]

Rule 17Ad–22(e)(15)(ii) under the Exchange Act requires that the policies and procedures described under Rule 17Ad–22(e)(15) include holding liquid net assets funded by equity equal to the greater of either (i) six months of the covered clearing agency's current operating expenses, or (ii) the amount determined by the board of directors to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of the covered clearing agency, as contemplated by the plans established under Rule 17Ad–22(e)(3)(ii), and which shall be in addition to resources held to cover participant defaults or other risks covered under applicable credit risk and the liquidity risk standards, and shall be of high quality and sufficiently liquid to allow the covered clearing agency to meet its current and projected operating expenses under a range of scenarios, including in adverse market conditions.[74]

As described above, OCC proposes to adopt rules that would require it to hold at least the minimum amount of Equity necessary to meet the Target Capital Requirement. In turn, OCC proposes to set its Target Capital Requirement at a level at least sufficient to comply with Rule 17Ad–22(e)(15)(ii) under the Exchange Act. Specifically, the Target Capital Requirement would, at a minimum, be at least equal to the greater of: (i) The amount equal to six-months of OCC's current operating expenses; (ii) the RWD Amount; or (iii) the Potential Loss Amount. Thus, OCC's Target Capital Requirement would equal or exceed the amount determined by OCC to correspond to the amounts described in Rule 17Ad–22(e)(15)(ii). Moreover, OCC would be required to set the Target Capital Requirement at a level equal to or greater than a sufficient

[62] FIA Letter at 3.

[63] OCC Letter at 3.

[64] 17 CFR 240.17Ad–22(e)(2)(iii).

[65] Covered Clearing Agency Standards, 81 FR at 70803.

[66] 17 CFR 240.17Ad–22(e)(2)(vi).

[67] Covered Clearing Agency Standards, 81 FR at 70803.

[68] Covered Clearing Agency Standards, 81 FR at 70806.

[69] Covered Clearing Agency Standards, 81 FR at 70803.

[70] 17 CFR 240.17Ad–22(e)(2).

[71] 17 CFR 240.17Ad–22(e)(15).

[72] 17 CFR 240.17Ad–22(e)(15)(i).

[73] *Id.*

[74] 17 CFR 240.17Ad–22(e)(15)(ii).

amount of ''liquid net assets funded by equity'' as such term is used in the Rule because the Capital Management Policy provides that OCC must set the Target Capital Requirement at a level sufficient to maintain LNAFBE equal to the amounts described above and LNAFBE, in turn, must be supported by the overall amount of Equity that OCC holds.

Further, OCC proposes to require OCC Management to notify OCC's Board promptly if Equity were to fall below the Early Warning threshold and to recommend to the Board whether to implement a fee increase in an amount that the Board determines necessary and appropriate to raise additional Equity. The requirement to notify the Board, and recommend appropriate action, would help to ensure that OCC continues to hold sufficient resources to meet the Target Capital Requirement. The Commission believes, therefore, that the proposal would be designed to ensure that OCC holds Equity sufficient to support the amount of LNAFBE equal to the Target Capital Requirement, which requirement would correspond to the amounts specified under Rule 17Ad–22(e)(15)(ii).

The Commission also believes that the proposed rules concerning the form of OCC's LNAFBE and manner in which it would be held are consistent with the requirements of Rule 17Ad–22(e)(15)(ii). OCC proposes to define LNAFBE such that it would consist of only cash and cash equivalents. OCC's LNAFBE must, therefore, be liquid by definition. Further, OCC proposes to adopt rules requiring that OCC hold Equity equal to 110 percent of the Target Capital Requirement separate from OCC's resources to cover participant defaults.

Rule 17Ad–22(e)(15)(iii) under the Exchange Act requires that the policies and procedures described under Rule 17Ad–22(e)(15) include maintaining a viable plan, approved by the board of directors and updated at least annually, for raising additional equity should a covered clearing agency's equity fall close to or below the amount required under Rule 17Ad–22(e)(15)(ii).[75]

As described above, the proposed Replenishment Plan would govern OCC's process for replenishing its capital in the event that Equity were to fall close to or below the Target Capital Requirement. The proposed Replenishment Plan would require OCC's Management to monitor changes in Equity and to notify OCC's Board of a Trigger Event. Under the proposed Replenishment Plan, OCC would be required, in response to a Trigger Event, to replenish its capital first through the contribution of the EDCP Unvested Balance. If OCC were to determine that further replenishment were necessary following the contribution of the entire EDCP Unvested Balance, OCC would be required to charge the Operational Loss Fee described above. Under the proposal, OCC's Management would be obligated to recommend that the Board approve or, as appropriate, modify the proposed Replenishment Plan annually. In turn, OCC's Board would be obligated to approve or, as appropriate, modify the proposed Replenishment Plan annually based on Management's recommendation. The Commission believes, therefore, that adoption of these aspects of the proposed Capital Management Policy and supporting rule changes are consistent with Exchange Act Rule 17Ad–22(e)(15).[76]

VI. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act, that the Commission *does not object* to Advance Notice (SR–OCC–2019–805) and that OCC is *authorized* to implement the proposed change as of the date of this notice or the date of an order by the Commission approving proposed rule change SR–OCC–2019–007, as modified by Partial Amendment No. 1, whichever is later.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2019–22392 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

[75] 17 CFR 240.17Ad–22(e)(15)(iii).

[76] 17 CFR 240.17Ad–22(e)(15).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87254; File No. SR–CBOE–2019–078]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Its Fees Schedule

October 8, 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 October 1, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is also the parent company of Cboe C2 Exchange, Inc. (''C2''), acquired Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX'' or ''EDGX Options''), Cboe BZX Exchange, Inc. (''BZX'' or ''BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). Cboe Options intends to migrate its trading platform to the same system used by the Cboe Affiliated Exchanges, which the Exchange expects to complete on October 7, 2019 (the ''migration''). The upcoming migration will also include a migration of the Exchange's billing system. Accordingly, in connection with the migration and in an effort to more closely align the Exchange's fees with the corresponding

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

fees at its Affiliated Exchanges, the Exchange proposes to amend its Marketing Fee Program, effective October 1, 2019.

By way of background the Marketing Fee is assessed on certain transactions of Market-Makers resulting from customer orders. The funds collected via this Marketing Fee are then put into pools controlled by a ''Designed Primary Market Maker'' under Cboe Options Rule 8.80, a ''Preferred Market-Maker'' under Cboe Options Rule 8.13 or a ''Lead Market-Maker'' under Cboe Options Rule 8.15 (collectively ''Preferenced Market-Maker''). The Preferenced Market-Maker controlling a certain pool of funds can then determine the order flow provider(s) to which the funds should be directed in order to encourage such order flow provider(s) to send orders to the Exchange. The Exchange proposes a number of amendments to its Marketing Fee program to simplify the program and harmonize the program with the program available at its affiliated exchange, EDGX Options.

First, the Exchange proposes to eliminate the exclusion of transactions resulting from any of the strategies identified and/or defined in footnote 13 of this Fees Schedule from the Marketing Fee. Currently, in order for such transactions to be excluded, TPHs must submit a rebate request with supporting documentation within 3 business days of the transaction. The Exchange notes that post-migration, it will no longer support the intake of various rebate forms. Moreover, the Exchange has not received a request for such a rebate in over two years. As such, the Exchange believes the impact of the proposed change to be de minimis.

The Exchange next proposes to eliminate the Rebate/Carryover Process set forth in Footnote 6 of the Fees Schedule. Currently, the Fees Schedule provides that if less than 80% of the marketing fee funds collected in a given month is paid out by the DPM or Preferenced Market-Maker in a given month, then the Exchange would refund such surplus at the end of the month on a pro rata basis based upon contributions made by the Market-Makers in that month. If 80% or more of the funds collected in a given month is paid out by the DPM or Preferenced Market-Maker, there will not be a rebate for that month unless the DPM or Preferenced Market-Maker elects to have funds rebated. In the absence of such election, any excess funds are included in an Excess Pool of funds to be used by the DPM or Preferenced Market-Maker in subsequent months. The total balance of the Excess Pool of funds for a DPM or a Preferenced Market-Maker cannot exceed $100,000. If in any month the Excess Pool balance were to exceed $100,000, the funds in excess of $100,000 would be refunded on a pro rata basis based upon contributions made by the Market-Makers in that month. In addition, in any month, a DPM or a Preferenced Market-Maker can elect to have any funds in its Excess Pool refunded on a pro rata basis based upon contributions made by the Market-Makers in that month. In lieu of this process, the Exchange proposes to adopt the process that its affiliate EDGX Options utilizes. Particularly, the Exchange proposes to provide that the total balance of any undispersed marketing fees for a Preferenced Market-Maker/DPM pool cannot exceed $250,000.[3] Each month, undisbursed marketing fees in excess of $250,000 will be reimbursed to the Market-Makers that contributed to the pool based upon a one month look back and their pro-rata portion of the entire amount of marketing fee collected during that month. The Exchange notes that in the past year, no Market-Maker has distributed less than 80% of the funds collected. Similarly, no Market-Maker has reached the $100,000 Excess Pool cap. As such, the Exchange believes the proposed change to have a de minimis impact.

The Exchange lastly proposes to eliminate the administrative fee. Currently, the Exchange assesses an administrative fee of .45% on the total amount of the funds collected each month; provided, however, that no Market-Maker would contribute more than 15% of the total amount of funds raised by the .45% administrative. The Exchange no longer wishes to assess this fee and therefore proposes to eliminate it from the Fees Schedule. The Exchange notes it is not required to assess such fee and notes EDGX Options also does not assess such fee.

While the Exchange has no way of predicting with certainty how the rule change will impact Trading Permit Holders, as noted above, the Exchange anticipates the impact of the proposed changes to be de minimis for all TPHs. Moreover, the Exchange believes the proposed change will also provide for more streamlined administration of the Marketing Fee program. Lastly, the proposed amendments to the Marketing Fee program will further harmonize the program with the corresponding Marketing Fee program of its affiliate exchange, Cboe EDGX Exchange, Inc., (''Cboe EDGX'').[4]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(4), in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule changes to the Marketing Fee program are reasonable as it further harmonizes the program to that of its affiliate, EDGX Options. The Exchange notes that the Marketing Fee amounts themselves are not changing with this proposed rule change. Rather, the proposed rule changes result in the simplification of the Marketing Fee program by eliminating an unused rebate process and rebate forms and provides for further harmonization of the program to that on EDGX Options by increasing the Excess Pool fee cap and eliminating the administrative fee. Additionally, the Exchange believes eliminating the administrative fee is reasonable because Market-Makers will no longer be subject to fee. As discussed above, the Exchange believes the proposed changes will not have a significant impact and will apply uniformly to all TPHs.

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

[3] The Exchange notes that the undisbursed market fee cap of $250,000 would apply to a single pool. For example, any Marketing Fees generated from (1) orders for which a DPM was preferenced and (2) orders that were not preferenced, but in that DPM's class, would be deposited into the same single pool for that Market-Maker, which pool would have an overall cap of $250,000.

[4] *See e.g.*, Cboe EDGX Options Exchange Fee Schedule, Marketing Fees.

necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe that the proposed change will impose any burden on intramarket competitions that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes will be applied equally to all Market-Makers.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes to the Marketing Fee program closely align the program to how its affiliate Cboe EDGX administers its respective marketing fee program. The Exchange also notes the proposed changes apply to all TPHs uniformly and are not expected to have a significant impact. The Exchange lastly notes that the proposed rule change is not intended as a competitive pricing change, but rather as a change to streamline and simplify its marketing fee program in connection with the upcoming migration.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and paragraph (f) of Rule 19b–4 [6] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–078 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–078. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–078 and should be submitted on or before November 5, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–22387 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–87249; File No. SR–CBOE–2019–076]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Its Fees Schedule

October 8, 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 October 1, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule in connection with fees assessed for transactions in options on the MSCI Emerging Markets Index (''MXEF'') (a proprietary product exclusively listed on the Exchange). The Exchange intends to implement the proposed change on October 1, 2019.

The Exchange now proposes to waive the current fee $0.25 fee assessed for Customer (''C'') transactions in MXEF, through December 31, 2019. The Exchange has experienced a precipitous decrease in MXEF Customer volume in the last three months. Indeed, the average volume per month from January 2019 through June 2019 was approximately 20,111 contracts. From July 2019 through September 2019 the average volume per month was 17,613 contracts; an overall decrease of 12.4% per month. In light of this decreasing volume trend in MXEF Customer volume, the proposed three-month waiver of fees for MXEF Customer transactions is designed to incentivize a renewed increase of Customer volume in MXEF on the Exchange. The Exchange believes that incentivizing more Customer orders in MXEF will create more trading opportunities, which, in turn attracts Market-Makers. A resulting increase in Market-Maker activity facilitates tighter spreads, which may lead to additional increase of order flow in MXEF from other market participants, further contributing to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem. The Exchange notes the proposed waiver is applicable to all Customer orders in MXEF.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(4), in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed waiver is consistent with the Act in that it is reasonable, equitable, and not unfairly discriminatory. First, the Exchange believes the proposed waiver is reasonable because customers will not be charged any fee for MXEF orders. The Exchange believes the proposed three-month waiver is reasonable and equitable because it is designed to incentivize Customer MXEF executions, whose order flow, as stated, enhances liquidity on the Exchange for the benefit of all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in Market-Maker activity in turn facilitates tighter spreads, which potentially increases order flow from other market participants. In addition to this, the Exchange believes that it is reasonable and equitable to waive the Customer transaction fee in MXEF through December 31, 2019, because this gives ample time to for the Exchange to evaluate whether the waiver has resulted in the desired effect of encouraging Customer order flow and, in turn, increased liquidity from other market participants.

The Exchange believes that the proposal represents an equitable allocation of fees and is not unfairly discriminatory because the waiver will apply to all Trading Permit Holders that submit Customer orders in MXEF. Moreover, the Exchange notes that while the proposed fee assessed for Customer orders will be lower than fees assessed for other market participants [3] the Exchange believes that the proposed waiver is equitable and not unfairly discriminatory because, as described above, Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Moreover, the options industry has a long history of providing preferential pricing to Customers, and the Exchange's current Fee Schedule currently does so in many places, as do the fees structures of multiple other exchanges.[4] The Exchange notes that all fee amounts applicable to Customers will be applied equally to all Customers, *i.e.,* all Customers will be assessed the same amount.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity in MXEF, in response to a recent decrease in MXEF order flow, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all TPHs.

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fee waiver offered to Customers in MXEF will be assessed equally to all such participants. As described above, preferential pricing to Customers is a long-standing options industry practice which serves to enhance Customer order flow, thereby attracting Marker-Makers to facilitate tighter spreads and trading opportunities to the benefit of all market participants.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed waiver applies to a product traded exclusively on the Exchange. Overall, the proposed change is designed to encourage additional order flow to the Exchange, which the Exchange believes benefits all market participants on the Exchange by providing more liquidity, thus trading opportunities, encouraging even more TPHs to send orders, thereby contributing towards a robust and well-balanced market ecosystem to the benefit of all market participants.

[3] *See* Cboe Options Fees Schedule, ''Index Options Rate Table—All Index Products Excluding Underlying Symbol List A (34) and Sector Indexes''. Firms are assessed a transaction fee between $0.25 and $0.75, depending on the transaction type, and Market-Makers are assessed a transaction fee between $0.03 and $0.23 based on a sliding scale. *See* Cboe Options Fees Schedule, ''Liquidity Provider Sliding Scale''.

[4] *See* MIAX Options Fee Schedule, Transaction Fees, SPIKES, which gives preferential Customer treatment for transactions in MIAX Option's proprietary product, SPIKES.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and paragraph (f) of Rule 19b–4 [6] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2019–076 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–076. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–076 and should be submitted on or before November 5, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–22386 Filed 10–11–19; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16148; Alaska Disaster Number AK–00045 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Alaska

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Alaska, dated 10/08/2019.

Incident: Swan Lake Fire.

Incident Period: 06/05/2019 and continuing.

DATES: Issued on 10/08/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 07/08/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

Primary Areas: Kenai Peninsula Borough

Contiguous Areas:

Alaska: Chugach REAA, Iditarod Area REAA, Kodiak Island Borough, Lake and Peninsula Borough, Matanuska-Susitna Borough, Municipality of Anchorage.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for economic injury is 161480.

The State which received an EIDL Declaration # is Alaska.

(Catalog of Federal Domestic Assistance Number 59008)

Christopher Pilkerton,

Acting Administrator.

[FR Doc. 2019–22400 Filed 10–11–19; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice:10925]

Notice of Determinations; Culturally Significant Object Imported for Exhibition—Determinations: "A Universe of Things: Micky Wolfson Collects" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be exhibited in the exhibition ''A Universe of Things: Micky Wolfson Collects'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Wolfsonian-Florida International University, Miami Beach, Florida, from on or about November 15, 2019, until on or about March 4, 2021, and at possible additional exhibitions or venues yet to be determined, is in the national

interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Paralegal Specialist, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–22397 Filed 10–11–19; 8:45 am]

BILLING CODE 4710–05–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: September 1–30, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals by Rule—Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, L.L.C.; Pad ID: Trowbridge; ABR–201909001; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2019.

2. Seneca Resources Company, LLC.; Pad ID: D09–K; ABR–201909002; Shippen Township, Cameron County; Jones Township, Elk County; and Sergeant Township, McKean County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2019.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Bonnie; ABR–20090904.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 4, 2019.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Hunsinger; ABR–20090905.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 4, 2019.

5. Chesapeake Appalachia, L.L.C.; Pad ID: Martin; ABR–20090906.R2; Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 4, 2019.

6. Chesapeake Appalachia, L.L.C.; Pad ID: Farr; ABR–20090907.R2; Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 4, 2019.

7. Range Resources—Appalachia, LLC; Pad ID: Cornwall B Unit 1H—4H; ABR–201405003.R1; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 9, 2019.

8. Chesapeake Appalachia, L.L.C.; Pad ID: Sharer; ABR–20090913.R2; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 9, 2019.

9. Range Resources—Appalachia, LLC; Pad ID: Ogontz 3H, 7H & 9H; ABR–20090606.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 10, 2019.

10. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 596 Pad A; ABR–201909004; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9000 mgd; Approval Date: September 11, 2019.

11. Range Resources—Appalachia, LLC; Pad ID: McWilliams 1H–2H; ABR–20090607.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 12, 2019.

12. Range Resources—Appalachia, LLC; Pad ID: Gulf USA 67H–68H; ABR–20140606.R1; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 13, 2019.

13. Repsol Oil & Gas USA, LLC.; Pad ID: OLD MINE ROAD (02 188); ABR–201909003; Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 16, 2019.

14. ARD Operating, LLC; Pad ID: Bonnel Run H&F Pad D; ABR–201404003.R1; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 20, 2019.

15. ARD Operating, LLC; Pad ID: COP Tr 027C Pad A; ABR–201407005.R1; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 20, 2019.

16. ARD Operating, LLC; Pad ID: COP Tr 027C Pad B; ABR–201407006.R1; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 20, 2019.

17. RD Operating, LLC; Pad ID: Marilyn Ely Pad A; ABR–201404009.R1; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 20, 2019.

18. ARD Operating, LLC; Pad ID: COP 259 Pad B; ABR–20090440.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 20, 2019.

19. ARD Operating, LLC; Pad ID: COP 252 Pad B; ABR–20090445.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 20, 2019.

20. ARD Operating, LLC.; Pad ID: COP 259 Pad A; ABR–20090513.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 20, 2019.

21. ARD Operating, LLC; Pad ID: COP Tr 551 A; ABR–201404008.R1; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 25, 2019.

22. Chesapeake Appalachia, L.L.C.; Pad ID: Welles 2; ABR–20090940.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 25, 2019.

23. SWN Production Company, LLC; Pad ID: NR–03–COLWELL WEST–PAD; ABR–201406002.R1; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9999 mgd; Approval Date: September 27, 2019.

24. SWN Production Company, LLC; Pad ID: NR–17–COLEMAN–PAD; ABR–201406003.R1; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9999 mgd; Approval Date: September 27, 2019.

25. SWN Production Company, LLC; Pad ID: Ivey Pad Site; ABR–20090608.R2; Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 27, 2019.

Dated: October 9, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2019–22418 Filed 10–11–19; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES.**

DATES: September 1–30, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR Part 806, Subpart E

1. Twin Hickory Golf Club, Inc., GF Certificate No. GF–201909045, Town of Hornellsville, Steuben County, N.Y.; Wells A and B; Issue Date: September 18, 2019.

2. Town of Owego—Water District #3, GF Certificate No. GF–201909046, Town of Owego, Tioga County, N.Y.; Wells 1, 2, and 3; Issue Date: September 18, 2019.

3. Pennsylvania American Water Company—Montrose District, GF Certificate No. GF–201909047, Bridgewater Township, Susquehanna County, Pa.; Lake Montrose; Issue Date: September 18, 2019.

4. Rohrer's Quarry Inc., GF Certificate No. GF–201909048, Warwick and Penn Townships, Lancaster County, Pa.; Well 3; Issue Date: September 18, 2019.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: October 9, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2019–22417 Filed 10–11–19; 8:45 am]

BILLING CODE 7040–01–P

TENNESSEE VALLEY AUTHORITY

Cumberland Fossil Plant Coal Combustion Residuals Management Operations

AGENCY: Tennessee Valley Authority.

ACTION: Amended Record of Decision.

SUMMARY: The Tennessee Valley Authority (TVA) is amending its June 7, 2018 Record of Decision (ROD) for the Cumberland Fossil Plant Coal Combustion Residuals Management Operations Environmental Impact Statement (EIS). The 2018 ROD indicated TVA's intent to construct and operate a bottom ash dewatering facility, process water basins, and an onsite landfill at the Cumberland Fossil Plant (CUF). During the design and permitting process, limitations were encountered which required a shift in the onsite landfill's location. Additionally, TVA proposes to use the future onsite landfill as a repository for both existing and future CCR, rather than using the existing Fly Ash Stack as the storage facility for existing CCR. In August 2019, TVA completed a supplemental review, analyzing the potential impacts of the proposed landfill shift. This amended ROD incorporates TVA's decisions relating to the modifications.

FOR FURTHER INFORMATION CONTACT: W. Douglas White, NEPA Project Manager, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902; Telephone: 865–632–2252 or Email: *wdwhite0@tva.gov.* The Final EIS, this amended Record of Decision (ROD) and other project documents are available on TVA's website *https://www.tva.gov/nepa.*

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Council on Environmental Quality's regulations and the TVA procedures for implementing the National Environmental Policy Act. On June 7, 2018, TVA published in the **Federal Register** (68 FR 53421) its ROD for the Cumberland Fossil Plant Coal Combustion Residuals Management Operations Final Environmental Impact Statement. The Final EIS identified Alternative C as TVA's preferred alternative, which includes the construction and operation of a Bottom Ash Dewatering Facility, closure-in-place of the Bottom Ash Impoundment, and a combination of closure-in-place and closure-by-removal of the Main Ash Impoundment and Stilling Impoundment. The portion of the Main Ash Impoundment and Stilling Impoundment that would be closed-by-removal would be repurposed as Process Water Basin 1 and Process Water Basin 2, respectively. The CCR that is removed from the impoundments would be transported to an existing onsite landfill (Fly Ash Stack). TVA elected to further consider options regarding the location for the permanent disposal of CCR excavated from these impoundments to support construction of the process water basins. In addition, TVA would construct an onsite landfill to manage future dry CCR produced at CUF.

TVA's CCR disposal areas at CUF, including the impoundments, are subject to the 2015 Commissioner's Order entered by the Tennessee Department of Environment and Conservation (TDEC). Investigations at CUF under that TDEC Order are ongoing. Therefore, TVA elected to further consider the proposed in-place closure of the Bottom Ash Impoundment and a portion of the Main Ash Impoundment before making a decision on closure of these facilities to allow the execution of the requirements of the TDEC Order to guide closure activities to the maximum extent possible.

As described in the Final EIS and subsequent ROD, TVA intends to construct and operate a new CCR landfill approximately 1.2 miles southwest of the plant site on CUF property. The approximately 80-acre landfill would have a total estimated capacity of 14.3 million cubic yards which provides adequate CCR storage for long-range planning purposes. TVA has decided to consider the future onsite CCR landfill for permanent storage of the CCR removed from a portion of the Main Ash Impoundment and Stilling Impoundment to support construction of the process water basins.

In addition, in consultation with the U.S. Army Corps of Engineers and TDEC, TVA has proposed a revised design of the future onsite CCR landfill that avoids direct impacts to surface water features associated with impoundments within the landfill boundary. This revised design includes the relocation of the proposed stormwater basin and the replacement of the proposed leachate impoundment with a leachate tank farm. However, the relocation of these facilities required additional area outside the boundary reviewed in the Final EIS. Additionally,

some areas along the eastern portion of the project area that were included in the original landfill boundary would no longer be needed to support development of the landfill. The revised landfill boundary encompasses a total of approximately 242 acres, compared to the original 174 acres, resulting in a net change of approximately 68 acres of additional disturbance.

In August 2019, TVA completed a supplemental review providing an analysis of potential impacts associated with the proposed change in the future onsite CCR landfill boundary and the use of this onsite landfill as a repository for both existing and future CCR rather than using the Fly Ash Stack (as originally proposed) as the storage facility for existing CCR. TVA now amends the June 2018 ROD (**Federal Register** Vol. 83, No. 110) to incorporate the revised proposal. By this notice, TVA is providing notification of its decision and agency reasoning.

Environmental Consequences

In the Supplemental Analysis, TVA adopted the analysis in the 2018 Cumberland Fossil Plant Coal Combustion Residuals Management Operations Final EIS and provided supplemental analysis of the potential impacts with the proposed change in the future onsite CCR landfill boundary, in addition to using this new landfill as a repository for both existing and future CCR. The 2018 Final EIS identified that existing CCR would be placed in the Fly Ash Stack.

The proposed changes to the landfill location would increase the project's footprint by 68 acres. The proposed change would impact an additional 66 acres of low quality summer roosting and foraging habitat for threatened and endangered bats. An additional 2.0 acres of wetlands is within the revised project boundary. While additional water features were identified within the revised landfill boundary, the stormwater impoundment would be relocated and the leachate impoundment would be replaced by a tank system, therefore avoiding direct stream impacts. The remaining resources analyzed in the 2018 FEIS, including air quality, geology, groundwater, cultural and historic resources, public health and safety, parks and recreation, natural areas, visual resources, and socioeconomics and environmental justice, would see no additional impacts as a result of this increase.

Impacts to additional environmental resources would be slightly higher than those discussed in the 2018 Final EIS as well. However, the impacts would be minor and do not alter the overall impact findings and conclusions of the 2018 Final EIS.

Amended Decision

TVA has decided to amend the June 7, 2018 ROD to incorporate the proposed change in the future onsite CCR landfill boundary and the use of this onsite landfill as a repository for both existing and future CCR. The proposed action would result in additional impacts to resources than those reviewed in the 2018 Final EIS. However, the impacts would be minor and do not alter the overall impact finding and conclusions of the Final EIS.

Mitigation Measures

The June 7, 2018 ROD lists mitigation measures associated with the Cumberland Fossil Plant Coal Combustion Residuals Management Operations Final EIS to reduce adverse impacts associated with the proposed actions. These mitigation measures will remain in effect and are listed below. No new mitigation measures were identified during the supplemental analysis.

- A TDEC Aquatic Resources Alteration Permit and U.S. Army Corps of Engineers 404 permit will be required for disturbance to wetlands and stream features, and the terms and conditions of these permits would likely require mitigation for these proposed activities. TVA will adhere to all conditions stipulated in these permits.
- TVA will implement groundwater mitigation measures that could include monitoring, assessment, or corrective action programs as mandated by state and federal requirements. The CCR Rule and state requirements provide an additional layer of groundwater protection to minimize risk.
- TVA will coordinate with the Tennessee Department of Transportation and Stewart County transportation officials as needed to develop appropriate mitigation measures to reduce localized temporary transportation effects.
- Potential impacts to Wells Creek and/or Scott Branch from landfill leachate and stormwater discharges will be mitigated as required to meet permit requirements.
- Forested land within the proposed landfill project area is of low summer roosting quality for threatened and endangered bats, although it may be used as a foraging area. Section 7 consultation with U.S. Fish and Wildlife Service has been completed. No tree removal would occur between June 1 and July 31 to avoid any potential direct impact to juvenile bats at a time when they are unable to fly.
- TVA executed a memorandum of agreement with the Tennessee State Historic Preservation Officer to address the adverse effects of National Register of Historic Places listed site 40SW219.

Authority: 40 CFR 1505.2.

Dated: October 4, 2019.

Robert M. Deacy, Sr.,

Senior Vice President Generation Construction, Projects & Services.

[FR Doc. 2019–22440 Filed 10–11–19; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0161]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TAIL LIGHTS (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0161 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0161 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0161, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a

telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TAIL LIGHTS is:

—*Intended Commercial Use of Vessel:* ''Overnight luxury pleasure time charters for week long or greater charter periods''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York (excluding New York Harbor), New Jersey, Pennsylvania, Delaware, Maryland, Washington, DC, Virginia, North Carolina, South Carolina, Georgia, Florida'' (Base of Operations: Miami, FL)

—*Vessel Length and Type:* 116′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2019–0161 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2019–0161 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22357 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0164]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SWOOSH (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0164 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0164 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0164, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,*

including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SWOOSH is:

—*Intended Commercial Use of Vessel:* ''Sailing tours''

—*Geographic Region Including Base of Operations:* ''California, Oregon, Washington, Alaska (excluding waters in Southeast Alaska), Florida, South Carolina, North Carolina, Hawaii, Maine, Rhode Island, New York (excluding water in New York Harbor), Massachusetts'' (Base of Operations: Elgin, AZ)

—*Vessel Length and Type:* 31′ sailboat

The complete application is available for review identified in the DOT docket as MARAD–2019–0164 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0164 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–22356 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2019–0163]

Request for Comments of a New Information Collection

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on July 9, 2019.

DATES: Comments must be submitted on or before November 14, 2019.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Thanos Perlegas, Telephone Number: (202) 366–0772, Office of Federal Sealift, Division of Sealift Operations and Emergency Response, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: MARAD Exercise Breakout Survey.

OMB Control Number: 2133–New.

Type of Request: Approval of a new information collection.

Background: This is a survey conducted on a voluntary basis that provides vital information to the Ready Reserve Force Program. The survey follows MARAD's Exercise Breakout which was intended to test MARAD's internal administrative procedures, as well as the coordination necessary for a complete activation of MARAD's Ready Reserve Force (RRF) and the Military Sealift Command (MSC) Surge Sealift Fleet to meet strategic sealift requirements. Periodic testing is necessary in view of the dynamics that affect the RRF program, which include changes in RRF fleet composition, readiness status, ship location as well as changes to the seafaring manpower base. This information collection will provide MARAD with insights and experience of those involved in the RRF exercise and

as a result supports the DOT Strategic Goal of providing for the National Security of the country by providing surge sealift capabilities.

Respondents: Merchant Mariners who were included in the EXERCISE BREAKOUT 2019.

Affected Public: Business or other for profit.

Total Estimated Number of Responses: 200.

Frequency of Collection: One time.

Estimated Time per Respondent: .05 hours.

Total Estimated Number of Annual Burden Hours: 10.

Public Comments Invited: Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.93.

* * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22346 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0160]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AD ASTRA (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0160 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0160 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0160, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled *Public Participation.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel AD ASTRA is:

Intended Commercial Use of Vessel: ''Sailing instruction''

Geographic Region Including Base of Operations: ''California, Oregon, Washington'' (Base of Operations: Half Moon Bay, CA)

Vessel Length and Type: 26′ sailboat.

The complete application is available for review identified in the DOT docket as MARAD–2019–0160 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2019–0160 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible

through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22349 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0162]

Request for Comments on the Approval of a Previously Approved Information Collection: Maritime Administration (MARAD) Jones Act Vessel Availability Determinations

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected is U.S.-flag coastwise qualified Jones Act Vessel availability information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before December 16, 2019.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2019–0162 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Specific Issue for Comment

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Michael Hokana, (202) 366–0760, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Michael.hokana@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Maritime Administration (MARAD) Jones Act Vessel Availability Determinations.

OMB Control Number: 2133–0545.

Type of Request: Renewal of a previously approved collection.

Abstract: Pursuant to 46 U.S.C. 501(b), the Maritime Administrator is required to make determinations of the availability of qualified United States flag capacity to carry coastwise cargo in connection with all requests for waivers of the Jones Act (46 U.S.C. 55102). This information collection supports that mission.

Respondents: Respondents include but are not limited to coastwise qualified vessel owners, operators, charterers, brokers and representatives.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 85.

Estimated Number of Responses: 255/3 responses per respondent.

Estimated Hours per Response: .5 Hrs.

Annual Estimated Total Annual Burden Hours: 127.5.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–22348 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0170]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SURFRIDER (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0170 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0170 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0170, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled *Public Participation.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey

Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SURFRIDER is:

—*Intended Commercial Use of Vessel:* ''para sailing business''
—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Marina Del Ray, CA)
—*Vessel Length and Type:* 31′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2019–0170 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0170 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22355 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0153]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SQUID SONG (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0153 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0153 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled *Public Participation.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SQUID SONG is:

—*Intended Commercial Use of Vessel:* ''Sport fishing''
—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Channel Islands, CA)
—*Vessel Length and Type:* 38′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2019–0153 at *http://www.regulations.gov.* Interested parties may comment on the effect this action

may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2019–0153 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Date: October 8, 2019

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22354 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0168]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CONSTANCE (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0168 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0168 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0168, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CONSTANCE is:

—*Intended Commercial Use of Vessel:* ''I intend to operate a six-passenger tour service providing a historic and cultural tour of the lower Columbia River. I will operate only within the confines of the Columbia River, from East of the CR buoy #10 to the Bonneville dam 20miles East of Portland OR. The vessel will be operated as an Uninspected Passenger Vessel as classified by the US Coast Guard.''

—*Geographic Region Including Base of Operations:* ''Oregon, Washington'' (Base of Operations: Astoria, OR)

—*Vessel Length and Type*: 41′ motor vessel

The complete application is available for review identified in the DOT docket as MARAD–2019–0168 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-

vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0168 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–22350 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0166]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SEA ESTA (Catamaran); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0166 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0166 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0166, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled *Public Participation.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SEA ESTA is:

—*Intended Commercial Use of Vessel:* ''Day Excursion Charter''
—*Geographic Region Including Base of Operations:* ''Oregon'' (Base of Operations: West Linn, OR)
—*Vessel Length and Type:* 33′ catamaran

The complete application is available for review identified in the DOT docket as MARAD–2019–0166 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected

on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2019–0166 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22353 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0154]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VALOR (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0154 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0154 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0154, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel VALOR is:

—*Intended Commercial Use of Vessel:* Vessel operations are directly associated with seamanship and ocean conservation educational programs. VALOR is a Not-for-profit school ship.

—*Geographic Region Including Base of Operations:* ''Washington, Oregon, California'' (Base of Operations: Emeryville, CA)

—*Vessel Length and Type:* 48′ sailboat

The complete application is available for review identified in the DOT docket as MARAD–2019–0154 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0154 or visit the Docket Management Facility (see **ADDRESSES** for

hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22342 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0169]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MONARCH (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0169 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0169 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0169, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MONARCH is:

—*Intended Commercial Use of Vessel:* ''Coastwise UPV 6 passenger maximum''

—*Geographic Region Including Base Of Operations:* ''California'' (Base of Operations: Marina Del Ray, CA)

—*Vessel Length and Type:* 34′ sailboat

The complete application is available for review identified in the DOT docket as MARAD–2019–0169 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0169 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2019–22352 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0165]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ESPRIT (Auxiliary Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 14, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0165 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2019–0165 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0165, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ESPRIT is:

—*Intended Commercial Use of Vessel:* ''Sunset, day, and multi-day sails for a maximum of six paying passengers.''

—*Geographic Region Including Base of Operations:* ''California, Oregon, Washington'' (Base of Operations: Park city, UT)

—*Vessel Length and Type:* 46′ auxiliary sailboat

The complete application is available for review identified in the DOT docket as MARAD–2019–0165 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2019–0165 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: October 8, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–22351 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0048; Notice 1]

Porsche Cars North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Porsche Cars North America, Inc. (Porsche), has determined that certain model year (MY) 2008–2019 Porsche Cayenne and Macan motor vehicles do not comply with Federal Motor Vehicle Safety Standard (FMVSS) 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less.* Porsche filed a noncompliance report dated March 28, 2019, and subsequently petitioned NHTSA on April 20, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Porsche's petition.

DATES: Send comments on or before November 14, 2019.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Porsche has determined that certain MY 2008–2019 Porsche Cayenne and Macan motor vehicles do not fully comply with paragraphs S4.4.2(a) and S4.4.2(c) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less* (49 CFR 571.110). Porsche filed a noncompliance report dated March 28, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports,* and subsequently petitioned NHTSA on April 20, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Porsche's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 230,212 of the following MY 2008–2019 Porsche Cayenne and Macan motor vehicles, manufactured between June 1, 2007, and September 21, 2018, are potentially involved:

- MY 2008–2014 Porsche Cayenne;
- MY 2017–2018 Porsche Cayenne ''Platinum Edition;''
- MY 2014 Porsche Cayenne Diesel ''Platinum Edition;''
- MY 2014 Porsche Cayenne ''Platinum Edition;''
- MY 2013–2016 Porsche Cayenne Diesel;
- MY 2019 Porsche Cayenne E-Hybrid;
- MY 2008–2010 Porsche Cayenne GTS;
- MY 2013–2014 Porsche Cayenne GTS;
- MY 2010 Porsche Cayenne GTS ''Porsche Design Edition 3;''
- MY 2008–2010 Porsche Cayenne GTS;
- MY 2016–2018 Porsche Cayenne GTS;

• MY 2015–2018 Porsche Cayenne S E-Hybrid;
• MY 2011–2014 Porsche Cayenne S Hybrid;
• MY 2010 Porsche Cayenne S Transsyberia;
• MY 2008–2018 Porsche Cayenne S;
• MY 2017–2018 Porsche Cayenne S E-Hybrid ''Platinum Edition;''
• MY 2008–2019 Porsche Cayenne Turbo;
• MY 2009–2010 Porsche Cayenne Turbo S;
• MY 2016–2018 Porsche Cayenne Turbo S;
• MY 2014 Porsche Cayenne Turbo S;
• MY 2015–2018 Porsche Macan Turbo;
• MY 2017–2018 Porsche Macan;
• MY 2018 Porsche Macan ''Sport Edition;''
• MY 2017–2018 Porsche Macan GTS;
• MY 2015–2018 Porsche Macan S; and
• MY 2017–2018 Porsche Macan Turbo Plus Performance Package.

III. Noncompliance: Porsche explains that the noncompliance is that the subject vehicles are equipped with rims that do not contain the required rim markings as specified in paragraph S4.4.2 of FMVSS No. 110. Specifically, the rims on the subject vehicles do not contain the designation symbol ''E'' as required by paragraph S4.4.2(a) of FMVSS No. 110 and the certification symbol ''DOT'' as required by paragraph S4.4.2(c) of FMVSS No. 110.

IV. Rule Requirements: Paragraphs S4.4.2(a) and S4.4.2(c) of FMVSS 110, include the requirements relevant to this petition. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, each wheel disc shall be marked with the designation that indicates the source of the rim's published nominal dimensions, specifically, ''E'' indicating The European Tyre and Rim Technical Organization and the symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable FMVSS.

V. Summary of Petition: Porsche described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Porsche submitted the following reasoning:

1. With respect to FMVSS No. 110, paragraph S4.4.2(c), the DOT marking signifies that the manufacturer of the rim has certified that the rim complies with all applicable FMVSSs. As the DOT marking is a ''certification,'' it is a violation of 49 U.S.C. 30115 (''Certification''), which does not require notification or remedy. Porsche asserts that this is consistent with NHTSA's prior decision on petitions for the same issue. (*See* 74 FR 69376).

2. With respect to FMVSS No. 110, paragraph S4.4.2(a), Porsche believes that the omission of the designation symbol ''E'' will not prevent the proper matching of tires and rims because sufficient information about rim size is available from other markings on the rim and the corresponding owner's manual instructions. More specifically, Porsche states, the rims are marked correctly with the size designation; the correct tire size information is listed on the Tire and Loading Information placard, and the tire size is marked on the tire sidewall. The vehicles' Certification label also contains the correct tire and rim sizes. Importantly, the omitted marking does not affect the ability to identify the rims in the event of a recall and is not likely to have any effect on motor vehicle safety. Porsche asserts that this is again consistent with NHTSA's prior decision on petitions for the same. (*See* 74 FR 69376).

3. The tire and rim of the affected spare wheels are properly matched, and are appropriate for the load-carrying characteristics of the subject vehicle. Porsche asserts that the incorrect association marking has no effect on the performance of the tire/rim combination.

4. The subject tire/rim assembly meets paragraph S4.4.1(b) rapid air loss requirement of FMVSS No. 110. All other applicable requirements of FMVSS Nos. 109 and 110 have been met.

5. Lastly, Porsche is unaware of any accidents, injuries, or customer complaints related to the omitted markings.

Porsche's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov* and by following the online search instructions to locate the docket number as listed in the title of this notice.

Porsche concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Porsche no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Porsche notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,
Director, Office of Vehicle Safety Compliance.

[FR Doc. 2019–22347 Filed 10–11–19; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0079; Notice 1]

Nissan North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Nissan North America, Inc., (Nissan) has determined that certain model year (MY) 2019 Nissan Armada motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Nissan filed a noncompliance report dated July 01, 2019. Nissan also petitioned NHTSA on July 24, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Nissan's petition.

DATES: The closing date for comments on the petition is November 14, 2019.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket number and notice number cited in the title of this notice and may be submitted by any of the following methods:

• *Mail:* Send comments by mail addressed to the U.S. Department of

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

• *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

• *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Nissan has determined that certain MY 2019 Nissan Armada motor vehicles do not fully comply with S7.4.13.1 of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108). Nissan filed a noncompliance report dated July 01, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Nissan also petitioned NHTSA on July 24, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt, of Nissan's petition, is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercises of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 3,009 MY 2019 Nissan Armada motor vehicles, manufactured between September 13, 2018, and October 23, 2018, are potentially involved.

III. Noncompliance: Nissan explains that the noncompliance is that the subject vehicles are equipped with headlamp assemblies that do not meet the photometric intensity requirements as required by paragraph S7.4.13.1 of FMVSS No. 108. Specifically, the reflex reflector is not seated properly in the headlamp assembly, thus, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly. When tested, the photometric intensity of the headlamp assemblies fell below the minimum photometric intensity required.

IV. Rule Requirements: S7.4.13.1 of FMVSS No. 108 includes the requirements relevant to this petition. Each side marker lamp must be designed to conform to the photometry requirements of Table X, when tested according to the procedure of S14.2.1, for the lamp color as specified by FMVSS No. 108.

V. Summary of Nissan's Petition: The following views and arguments presented in this section, V. Summary of Nissan's petition, are the views and arguments provided by Nissan. They have not been evaluated by the agency and do not reflect the views of the agency.

Nissan described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety. Nissan submitted the following views and arguments in support of the petition:

1. Due to a manufacturing issue affecting only the driver's side marker lamp, the reflex reflector may not be seated properly in the headlamp assembly, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly. The reflector is restrained from further movement by the outer lens of the headlamp. The manufacturing issue has been corrected.

2. Even in the worst-case displaced position, the side marker lamp is only minimally below photometric intensity of the side marker lamp at one test point. Nissan has judged that the minimal difference in photometric intensity between the lamp that tested below standard and a lamp meeting the minimum standard is not perceptible to the human observer. (*See* also, Subaru of America, Grant of Petition, 56 FR 59971 (Nov. 26, 1991); Hella, Inc., Grant of Petition, 55 FR 37601 (Sept. 12, 1990)).

3. Moreover, in the subject vehicles, the parking lamp wraps around the corners of the headlamp assembly and adds additional illumination in the region where testing showed the photometric intensity of the side marker lamp to be slightly below standard. On the affected MY 2019 Armada vehicles, the parking lamps are on the same circuit as the side marker lamps and therefore always illuminate in conjunction with the side marker lamps.

4. When tested as a unit in real-world conditions, the photometric intensity of the combined parking and side marker lamps is above the required 0.62 cd for all test points and approximately 5 times the test point where the side marker lamp alone was below 0.62 cd.

5. In the event the reflector was to move out of position, the complimentary illumination from the parking lamp compensates for the slight reduction in photometric intensity of the side marker lamp over an exceedingly small range. Therefore, in actual usage conditions, the presence of an affected vehicle is conspicuous and in Nissan's judgement, there is no perceivable difference in the visibility of the subject vehicles compared to compliant vehicles to drivers and pedestrians on the road.

6. In similar situations, NHTSA has granted the applications of other petitioners in which a minor deviation from the standard was deemed imperceptible and therefore inconsequential to safety (*See, e.g.,* BMW of N.Am., LLC, Grant of Petition, 82 FR 55484 (Nov. 21, 2017); Osram Sylvania Prods., Inc., Grant of Petition, 78 FR 46000 (July 30, 2013)). While Nissan recognizes that NHTSA has

denied petitions claiming complimentary illumination, those petitions are distinguishable due to the greater extent of the reduction in illumination over a wider affected area.

Nissan concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Nissan no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Nissan notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2019–22344 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2019–0140]

Privacy Act of 1974; System of Records; Amendment of a General Routine Use

AGENCY: Office of the Secretary of Transportation, Department of Transportation.

ACTION: Amendment to existing Privacy Act general routine use.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of Transportation's Office of the Secretary of Transportation (DOT/OST) is amending an existing general routine use for all DOT systems of records. The amended routine use is consistent with a recommendation in a memorandum issued by the Office of Management and Budget (OMB) on January 3, 2017 (Memorandum M–17–12 ''Preparing for and Responding to a Breach of Personally Identifiable Information''). OMB's memorandum recommends that all Federal agencies publish two routine uses for their systems allowing for the disclosure of personally identifiable information to the appropriate parties in the course of responding to a breach or suspected breach of data maintained in a system of records.

DATES: Submit comments on or before November 14, 2019. Changes to this system will be effective November 14, 2019.

ADDRESSES: You may submit comments, identified by Docket Number DOT–OST–2019–0140, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590.
- *Instructions:* All submissions received must include the agency name and docket number DOT–OST–2019–0140, for this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.
- *Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590 or *privacy@dot.gov* or (202) 366–8135. For legal questions, contact Evan Baylor, Honors Attorney, Office of General Counsel, at *evan.baylor@dot.gov.*

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended, 5 U.S.C. 552a, governs the means by which the United States Government collects, maintains, and uses personally identifiable information (PII) in a system of records. A ''system of records'' is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register**, for public notice and comment, a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses PII in the system and the routine uses for which the agency discloses such information outside the agency. As provided in ''Privacy Act Guidelines'' issued by the Office of Management and Budget (OMB) on July 1, 1975 (*see* 40 FR 28966), once an agency has published a routine use that will apply to all of its systems of record (*i.e.,* a general routine use) in the **Federal Register** for public notice and comment, the agency may thereafter incorporate the publication by reference in each system's SORN without inviting further public comment on that use. To date, DOT has published 15 general routine uses (*see* 65 FR 19476 published April 11, 2000; 68 FR 8647 published February 23, 2003; 75 FR 82132 published December 29, 2010; and 77 FR 42796 published July 20, 2012).

The amended general routine use reflects a non-substantive change to an existing DOT general routine use (*see* 75 FR 82132, published December 29, 2010). The amended general routine use implemented by this Notice reflects the two pieces of the existing general routine use in two parts: (a) A general routine use for disclosure of records in response to a breach or suspected breach of DOT's systems of records and (b) a general routine use for disclosure of records in response to breach or suspected breach of another agency's systems of records.

The amended general routine uses are compatible with the purposes for which the information to be disclosed under these general routine uses was originally collected. Individuals whose personally identifiable information is in DOT systems expect their information to be secured. Sharing their information with appropriate parties in the course of responding to a confirmed or suspected breach of a DOT system, or another agency's system, will help DOT and all Federal agencies protect them against potential misuse of their information by unauthorized persons.

For the reasons above, the existing general routine use 11 is amended to reflect the OMB guidance, reflected in a new 11a and 11b, as follows:

11a. To appropriate agencies, entities, and persons when (1) DOT suspects or has confirmed that there has been a breach of the system of records; (2) DOT has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOT (including its information systems, programs, and operations), the Federal

Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOT's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11b. To another Federal agency or Federal entity, when DOT determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

Claire Barrett,

DOT Chief Privacy Officer.

[FR Doc. 2019–22398 Filed 10–11–19; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Agency Information Collection Activities; Proposed Collection: Comment Request; Bank Enterprise Award Program Application

ACTION: Notice and request for public comment.

SUMMARY: The U.S. Department of the Treasury, 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 (PRA) of 1995. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Bank Enterprise Award Program (BEA Program) Application, for the fiscal year (FY) 2020–FY 2022 funding rounds (hereafter, the Application or Applications).

DATES: Written comments must be received on or before December 16, 2019 to be assured of consideration.

ADDRESSES: Submit your comments via email to Mia Sowell, BEA Program Associate Program Manager, CDFI Fund, at *bea@cdfi.treas.gov,* or by facsimile to (202) 508–0089. Please note that this is not a toll free number.

FOR FURTHER INFORMATION CONTACT: Mia Sowell, BEA Program Associate Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220 or email to *bea@cdfi.treas.gov*.

SUPPLEMENTARY INFORMATION:

Title: BEA Program Application.

OMB Number: 1559–0005.

Abstract: The purpose of the Bank Enterprise Award Program (BEA Program) is to provide an incentive to Federal Deposit Insurance Corporation-insured (FDIC-insured) depository institutions to increase their lending, investment, and financial services to residents and businesses located in economically distressed communities, and provide assistance to Community Development Financial Institutions (CDFIs) through grants, stock purchases, loans, deposits, and other forms of financial and technical assistance. The CDFI Fund will make awards through the BEA Program to FDIC-insured depository institutions, based upon such institutions' demonstrated increase of qualified activities, as reported in the Application. The Application will solicit information concerning: Applicants' eligibility to participate in the BEA Program; the increase in total dollar value of applicants' qualified activities; impact of qualified activities; and appropriate supporting documentation. The questions that the Application contains, and the information generated thereby, will enable the CDFI Fund to evaluate applicants' activities and determine the extent of applicants' eligibility for BEA Program awards.

Current Actions: Extension without change of currently approved collection.

Type of Review: Regular.

Affected Public: Businesses or other for-profit institutions, non-profit entities, and State, local and Tribal entities participating in CDFI Fund programs.

Estimated Number of Respondents: 125.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 125.

Estimated Annual Time per Respondent Including Optional Questions: 20 hours.

Estimated Total Annual Burden Hours: 2,500.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and may be published on the CDFI Fund's website at *https://www.cdfifund.gov.* The CDFI Fund is seeking: (a) Specific input on the BEA Program Application; and (b) general input on other BEA Program-related topics and considerations. Commentators should ensure that their comments are clearly labeled in order to distinguish those related to: (a) The BEA Program Application or, (b) other BEA Program related topics and considerations. The Application may be obtained on BEA page of the CDFI Fund's website at *https://www.cdfifund.gov/programs-training/Programs/bank_enterprise_award/Pages/apply-step.aspx#step1*.

Commentators are encouraged to consider, at a minimum, the following topics:

A. BEA Program Application

Comments concerning the Application 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 technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

In addition, the CDFI Fund requests comments in response to the following general questions about the BEA Program Application:

1. Is the data and information that is proposed to be collected by the BEA Program Application necessary and appropriate for the CDFI Fund to consider for the purpose of making award decisions?

2. In general, does the data and information requested in the BEA Program Application allow an applicant to demonstrate its lending, investment and service activities in BEA Program Distressed Communities or to CDFIs?

3. Are certain data fields, questions or tables redundant or unnecessary?

4. Should any data fields, questions or tables be added to ensure collection of relevant information?

5. Are there any data fields, questions or tables that are particularly difficult or burdensome to answer? If so, please be specific as to which questions or tables and describe why they are difficult or burdensome.

A. Other BEA Program-Related Topics and Considerations

The following section includes topics and considerations that are not related to the FY 2020 BEA Program funding round or Application. Commentators should clearly distinguish their comments related to this section when providing their responses.

1. Financial Health

The CDFI Fund considers the safety and soundness of BEA Program Applicants in making award decisions. Through Memorandums of Understanding with federal regulators, the CDFI Fund obtains safety and soundness information directly from the Federal Reserve Board, Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency. The CDFI Fund is considering requiring Applicants to report on their safety and soundness by requesting that they provide information on their most recent independent audit, their most recent Community Reinvestment Act (CRA) Rating, and information on any enforcement actions. The collection of this information from Applicants would be used to consider an Applicant's eligibility. Applicants will be deemed ineligible if any of the following are noted: Enforcement actions with material concerns or Prompt Corrective Actions, CRA assessment ratings below ''Satisfactory'', or the most recent independent audit report with any of the following: Going concern opinion; an adverse opinion; a disclaimer of opinion; or withdrawal of an opinion.

a. How much of a burden will the collection of this information be for Applicants?

b. Are there any reasons that the CDFI Fund should not request this information from Applicants? If yes, please describe.

c. Is there anything else the CDFI Fund should consider? If yes, please describe.

2. BEA Program Categories, Subcategories and Qualified Activities Definitions

The BEA Program defines the Qualified Activities, Categories and Subcategories in the BEA Program Interim Rule dated August 10, 2016 (12 CFR 1806). These definitions have been provided as Appendix 1: BEA Program Category, Subcategory and Activity Type Definitions.

a. New Qualified Activities

(1) Are there any loan, investment or service activities not currently considered BEA Program Qualified Activities that the CDFI Fund should consider adding? If so, indicate what the activity is, describe it, and explain why the CDFI Fund should consider it. Also, describe the benefits of the activity to CDFIs, residents or businesses in Distressed Communities.

(2) The CDFI Fund does not currently have a specific Qualified Activity type for working capital or equipment loans. These types of loans are typically reported as Small Business Loans if the borrower meets the size eligibility standards. Should the CDFI Fund consider introducing a new Qualified Activity type specifically for working capital or equipment loans for businesses located in Distressed Communities that do not meet the criteria for a Small Business Loans? Please explain why or why not.

(3) The CDFI Fund does not currently have specific guidance for reverse mortgages. A reverse mortgage is a mortgage loan available to homeowners 62 years of age and older, usually secured over a residential property that enables the borrower to access the unencumbered value of the property for cash. Should the CDFI Fund consider introducing reverse mortgages as a new Qualified Activity type or consider revising the definition of Affordable Housing Loan to include reverse mortgages? Please explain why or why not.

b. Existing Qualified Activities

(1) Are there any loans, investments, or service activities that are currently considered BEA Program Qualified Activities that the CDFI Fund should consider updates to the definition? If so, indicate the Qualified Activity and explain why the CDFI Fund should consider revising the definition.

(2) Are there any loans, investments, or service activities that are currently considered BEA Program Qualified Activities that the CDFI Fund should consider eliminating? If so, indicate which activity it is and explain why the CDFI Fund should consider eliminating.

(3) In FY 2016, the CDFI Fund included Small Dollar Consumer Loans as a BEA Qualified Activity. Small Dollar Consumer Loans are defined as affordable consumer lending products that serve as available alternatives in the marketplace for individuals who are Eligible Residents who meet Low-and-Moderate income requirements and meet criteria further specified in the applicable NOFA. The FY 2016–2018 NOFAs indicate that Small Dollar Consumer Loans have a total principal value of no less than $500 and no greater than $5,000. Is this dollar range still relevant for this product? If no, please provide a dollar range based on your organization's experience offering this product and explain why the CDFI Fund should consider updating these amounts.

(4) For Small Business Loans which are Qualified Activities in the Commercial Loans and Investments sub-category of the Distressed Community Financing Activities category, the CDFI Fund instructs Applicants to use the size eligibility standards adopted by the U.S. Small Business Administration's Development Company or Small Business Investment Company programs (13 CFR 121.01) for determining whether a loan to a borrower is eligible to be reported as this Qualified Activity. Is there any other criteria the CDFI Fund should consider for determining whether a loan to a borrower is eligible to be reported as a Small Business Loan? If yes, please describe the criteria and explain why the CDFI Fund should consider it.

(5) The CDFI Fund currently values the administrative cost of providing certain Financial Services using the following per unit values:

- $100.00 per account for Targeted Financial Services including safe transaction accounts, youth transaction accounts, Electronic Transfer Accounts and Individual Development Accounts;
- $50.00 per account for checking and savings accounts that do not meet the definition of Targeted Financial Services;
- $5.00 per check cashing transaction;
- $50,000 per new ATM installed at a location in a Distressed Community; and
- $500,000 per new retail bank branch office opened in a Distressed Community, including school-based bank branches approved by the Applicant's Federal bank regulator.

Should the CDFI Fund consider updates to the valuation of these administrative costs? If so, indicate the Financial Service, suggested value, and explain why the CDFI Fund should consider revising the value.

3. Impact of Program Related Loans, Investments and Service Activities

The CDFI Fund is considering adding the following text entry fields in order to improve the quality of impact data collected in the BEA Program Application. This information will allow the CDFI Fund to standardize and effectively report quantitative and qualitative social impacts of program related investments.

- *Business Description:* Applicants will be required to provide a brief description of the entity or business that received the loan or investments. For example, for Commercial Loans and

Investments, if an Applicant provided a commercial real estate loan to a widget manufacturing business so that it could purchase a warehouse in a distressed community, the Applicant would describe the business, using this text entry field as 'Commercial Real Estate Loan to Widget Manufacturing Business for Warehouse Purchase.' If implemented, there will be character limits and the CDFI Fund will provide additional examples.

• *Impact:* A further description of the impact of the loan, investment or service activity would be required. This will help to contextualize the numerical impact data currently collected. Currently, applicants are only required to provide numerical impact information for certain activity types. This new text entry field would add a picklist or text entry box which would depend on the activity type. Refer to Appendix 2: Impact Reporting Enhancements for examples of impact as it relates to specific BEA Qualified Activities.

a. Will reporting this information significantly increase the number of hours spent completing the BEA Program Application?

b. Are there any reasons that the CDFI Fund should not collect this information?

c. Is there any additional information or data that demonstrates the impact of program related investments that the CDFI Fund should consider?

4. Affordability of Program Related Loans and Investments

The CDFI Fund is considering adding the following fields to collect basic information on the affordability of financial products reported to the CDFI Fund in the BEA Program Application for award consideration. This data will be used to perform future analyses to better understand the affordability of program related lending and may inform future policy considerations. For BEA Qualified Activities that are loans, Applicants will be asked to provide:

• *Interest Rate, Interest Type, and Term:* Applicants will input the interest rate, select the interest type as either 'Fixed' or 'Variable,' and provide the Term as the number of months. These fields will provide important insight into the pricing and terms offered to borrowers that receive loans from BEA Program Applicants.

• *Origination Fees and Points:* Applicants will input this numerically as basis points. This field will help the CDFI Fund to better understand the overall cost of loans made by BEA Program Applicants.

a. How much of a burden will the collection of this information be for Applicants?

b. Are there any reasons that the CDFI Fund should not collect this information?

For all BEA Qualified Activities:

c. Is there any additional information or data that demonstrates the affordability of program related loans or investments that the CDFI Fund should consider?

5. Award Selection Process

Section 1806.404(b), (c), and (d) of the Interim Rule describes the award selection process if insufficient funds are available to cover estimated awards for which Applicants are eligible, priority of awards, and calculating actual award amounts. Applicants are ranked based on whether the Applicant is a CDFI or a non-CDFI, and prioritized in each category of BEA Qualified Activities. Currently, one overall maximum award amount has been determined for an Applicant's single BEA Program award, despite the number of categories the Applicant is eligible to receive an award for. Award selections within each BEA category are based on an Applicant's relative ranking within each such category, subject to the availability of funds and any established maximum dollar amount of total awards that may be awarded for the Distressed Community Financing Activities category of Qualified Activities, as determined by the CDFI Fund.

a. Award Amount

(1) Should the CDFI Fund consider awarding eligible applicants who successfully demonstrate increases in more than one BEA category a higher single BEA Program award amount than Applicants who demonstrate an increase in one BEA category, if eligible for the maximum award amount? If yes, explain what should be considered in determining the proportion of the increased award amount. If no, explain why not.

(2) Should the CDFI Fund establish a maximum dollar amount that may be awarded for the CDFI Related Activities category? Explain why or why not.

(3) Should the CDFI Fund establish a maximum dollar amount that may be awarded for Distressed Community Financing Activities category? Explain why or why not.

(4) Should the CDFI Fund establish a maximum dollar amount that may be awarded for the Service Activities category? Explain why or why not.

(5) Should the CDFI Fund determine actual award amounts by a method other than the existing formulaic award calculation? If yes, please describe the method and note what benefits are offered to Applicants, residents and businesses in Distressed Communities, and/or US taxpayers by implementing this method. Also, indicate if/how the method addresses the following factors noted in Section 1834a(h)(1)(C). of the BEA Statute: Degree of difficulty in carrying out activities, community impact, degree of innovative methods for meeting community needs, leverage of qualified activity amounts, total asset size of the Applicant, new entrance to providing services in a Distressed Community, need for subsidy, and extent of distress in a community.

b. Award Calculation

The estimated BEA Program award calculation is the year-over-year increase in Qualified Activities from the Baseline to the Assessment Period prioritized based on CDFI certification status and CRA asset size, and multiplied by an award percentage based on the Category, Sub-category and Qualified Activity type.

(1) Is there any additional criteria that the CDFI Fund should consider in the estimated BEA Program award calculation?

6. Persistent Poverty Counties

The CDFI Fund is considering prioritizing awards to Applicants that invested in Persistent Poverty Counties during the Assessment Period (this will be determined by transactions submitted in the application that are in Persistent Poverty Counties). The CDFI Fund would potentially implement this by using the Address and Census Tract to determine if BEA Qualified Activities submitted in the application were made in a Persistent Poverty County. This will be used either separately or along with Persistent Poverty County commitment information currently collected in Table 8: Projected Use of BEA Program Award to prioritize awards or increase award amounts to Applicants will that serve Persistent Poverty Counties with their BEA Awards.

a. Are there are any reasons that CDFI Fund should not use this information to prioritize awards or increase award amounts to Applicants that serve Persistent Poverty Counties?

b. Is there anything else the CDFI Fund should consider when determining how Recipients can serve Persistent Poverty Counties?

7. Integral Involvement

The Interim Rule defines CDFI Support Activity as assistance provided by an Applicant or its Subsidiary to a certified CDFI that meets the Integral

Involvement criteria set forth by the CDFI Fund in the applicable NOFA. Commenters should note that Integral Involvement is a statutory program requirement.

The NOFA defines Integrally Involved as:

- *Scenario I:* Having provided at least 10% of the number of its financial transactions or dollars transacted (*e.g.,* loans or equity investments) in one or more Distressed Communities in each of the three calendar years preceding the date of the applicable NOFA; or 10% of the number of its Development Service Activities or value of the administrative cost of providing such services in one or more Distressed Communities in each of the three calendar years preceding the date of the applicable NOFA;
- *Scenario II:* Transacted at least 25% of the number of its financial transactions or dollars transacted (*e.g.,* loans or equity investments) in one or more Distressed Communities in at least one of the three calendar years preceding the date of the applicable NOFA or transacted at least 25% of the number of its Development Service Activities or value of the administrative cost of providing such services in one or more Distressed Communities in at least one of the three calendar years preceding the date of the applicable NOFA;
- *Scenario III:* Demonstrating that it has attained at least 10% of market share for a particular product in one or more Distressed Communities in at least one of the three calendar years preceding the date of the applicable NOFA;
- *Scenario IV:* At least 25% of the CDFI Partner's physical locations (*e.g.,* offices or branches) are located in one or more Distressed Communities where it provided financial transactions or Development Service Activities during the one calendar year preceding the date of the NOFA.

a. Should the current definition of Integrally Involved be revised or replaced? If so, how should the CDFI Fund define Integrally Involved?

b. Are there any other factors the CDFI Fund should consider when determining an updated definition of Integrally Involved?

Authority: 12 U.S.C. 1834a, 4703, 4713, 4717; 12 CFR part 1806.

Dated: October 8, 2019.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

APPENDIX 1—BEA PROGRAM CATEGORY, SUBCATEGORY, ACTIVITY TYPE, AND OTHER RELATED TERMS—DEFINITIONS

Category, subcategory, activity type, and other related terms	Interim rule definition
CDFI Related Activities	Means Equity Investments, Equity-Like Loans, and CDFI Support Activities.
Equity Investment	Means financial assistance provided by an Applicant or its Subsidiary to a CDFI, which CDFI meets such criteria as set forth in the applicable NOFA, in the form of a grant, a stock purchase, a purchase of a partnership interest, a purchase of a limited liability company membership interest, or any other investment deemed to be an Equity Investment by the CDFI Fund.
Equity-Like Loan	Means a loan provided by an Applicant or its Subsidiary to a CDFI, and made on such terms that it has characteristics of an Equity Investment that meets such criteria as set forth in the applicable NOFA.
CDFI Support Activity	Means assistance provided by an Applicant or its Subsidiary to a CDFI that meets criteria set forth by the CDFI Fund in the applicable NOFA and that is Integrally Involved in a Distressed Community, in the form of the origination of a loan, Technical Assistance, or deposits, as further specified in the applicable NOFA.
Distressed Community Financing Activities.	Means: (1) Consumer Loans; or (2) Commercial Loans and Investments.
Consumer Loans	Means the following lending activity types: Affordable Housing Loans; Education Loans; Home Improvement Loans; and Small Dollar Consumer Loans.
Affordable Housing Loan	Means origination of a loan to finance the purchase or improvement of the borrower's primary residence, and that is secured by such property, where such borrower is an Eligible Resident who meets Low- and Moderate-Income requirements. Affordable Housing Loan may also refer to second (or otherwise subordinated) liens or ''soft second'' mortgages and other similar types of down payment assistance loans, but may not necessarily be secured by such property originated for the purpose of facilitating the purchase or improvement of the borrower's primary residence, where such borrower is an Eligible Resident who meets Low- and Moderate-Income requirements.
Education Loan	Means an advance of funds to a student who is an Eligible Resident who meets Low- and Moderate-Income requirements for the purpose of financing a college or vocational education.
Home Improvement Loan	Means an advance of funds, either unsecured or secured by a one-to-four family residential property, the proceeds of which are used to improve the borrower's primary residence, where such borrower is an Eligible Resident who meets Low- and Moderate-Income requirements.
Small Dollar Consumer Loan	Means affordable consumer lending products that serve as available alternatives in the marketplace for individuals who are Eligible Residents who meet Low- and Moderate-Income requirements and meet criteria further specified in the applicable NOFA.
Commercial Loans and Investments.	Means the following lending types: Affordable Housing Development Loans and related Project Investments; Small Business Loans and related Project Investments, and Commercial Real Estate Loans and related Project Investments.
Affordable Housing Development Loan.	Means origination of a loan to finance the acquisition, construction, and/or development of single- or multi-family residential real property, where at least 60% of the units in such property are affordable, as may be defined in the applicable NOFA, to Eligible Residents who meet Low- and Moderate-Income requirements.
Small Business Loan	Means an origination of a loan used for commercial or industrial activities (other than an Affordable Housing Loan, Affordable Housing Development Loan, Commercial Real Estate Loan, Home Improvement Loan) to a business or farm that meets the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs (13 CFR 121.301) and is located in a Distressed Community.
Commercial Real Estate Loan	Means an origination of a loan (other than an Affordable Housing Development Loan or Affordable Housing Loan) that is secured by real estate and used to finance the acquisition or rehabilitation of a building in a Distressed Community, or the acquisition, construction and or development of property in a Distressed Community, used for commercial purposes.

APPENDIX 1—BEA PROGRAM CATEGORY, SUBCATEGORY, ACTIVITY TYPE, AND OTHER RELATED TERMS—DEFINITIONS—Continued

Category, subcategory, activity type, and other related terms	Interim rule definition
Service Activities	Means the following activities: Deposit Liabilities; Financial Services; Community Services; Targeted Financial Services; and Targeted Retail Savings/Investment Products.
Deposit Liabilities	Means time or savings deposits or demand deposits. Any such deposit must be accepted from Eligible Residents at the offices of the Applicant or of the Subsidiary of the Applicant and located in the Distressed Community. Deposit Liabilities may only include deposits held by individuals in transaction accounts (*e.g.,* demand deposits, negotiable order of withdrawal accounts, automated transfer service accounts, and telephone or preauthorized transfer accounts) or non-transaction accounts (*e.g.,* money market deposit accounts, other savings deposits, and all time deposits), as defined by the Appropriate Federal Banking Agency.
Financial Services	Means check cashing, providing money orders and certified checks, automated teller machines (ATM), safe deposit boxes, new branches, and other comparable services as may be specified by the CDFI Fund in the applicable NOFA, that are provided by the Applicant to Eligible Residents or enterprises that are Integrally Involved in the Distressed Community.
Community Services	Means the following forms of assistance provided by officers, employees or agents (contractual or otherwise) of the Applicant: (1) Provision of Technical Assistance and financial education to Eligible Residents regarding managing their personal finances; (2) Provision of Technical Assistance and consulting services to newly formed small businesses and non-profit organizations located in the Distressed Community; (3) Provision of Technical Assistance and financial education to, or servicing the loans of, homeowners who are Eligible Residents and meet Low- and Moderate-Income requirements; and (4) Other services provided to Eligible Residents who meet Low- and Moderate-Income requirements or enterprises that are Integrally Involved in a Distressed Community, as deemed appropriate by the CDFI Fund, and other comparable services as may be specified by the CDFI Fund in the applicable NOFA.
Other Related Terms	
Targeted Financial Services	Means ETAs, IDAs, and such other banking products targeted to Eligible Residents, as may be specified by the CDFI Fund in the applicable NOFA.
Targeted Retail Savings/Investment.	Means certificates of deposit, mutual funds, life insurance, and other similar savings or investment vehicles targeted to Eligible Residents, as may be specified by the CDFI Fund in the applicable NOFA.
Products	
Electronic Transfer Account (ETA) [1].	Means an account that meets the following requirements, and with respect to which the Applicant has satisfied the requirements: (1) Be an individually owned account at a Federally insured financial institution; (2) Be available to any individual who receives a Federal benefit, wage, salary, or retirement payment; (3) Accept electronic Federal benefit, wage, salary, and retirement payments and such other deposits as a financial institution agrees to permit; (4) Be subject to a maximum price of $3.00 per month; (5) Have a minimum of four cash withdrawals and four balance inquiries per month, to be included in the monthly fee, through: (i) The financial institution's proprietary (on-us) automated teller machines (ATMs); (ii) Over-the-counter transactions at the main office or a branch of the financial institution; or (iii) Any combination of on-us ATM access and over-the-counter access at the option of the financial institution; (6) Provide the same consumer protections that are available to other account holders at the financial institution, including, for accounts that provide electronic access, Regulation E (12 CFR part 205) protections regarding disclosure, limitations on liability, procedures for reporting lost or stolen cards, and procedures for error resolution; (7) For financial institutions that are members of an on-line point-of-sale (POS) network, allow on-line POS purchases, cash withdrawals, and cash back with purchases at no additional charge by the financial institution offering the ETA; (8) Require no minimum balance, except as required by Federal or State law; (9) At the option of the financial institution, be either an interest-bearing or a non-interest-bearing account; and (10) Provide a monthly statement.
Individual Development Account (or IDA) [2].	Means a special savings account that matches the deposits of Eligible Residents who meet Low- and Moderate-Income requirements individuals and that enables such individuals to save money for a particular financial goal including, but not limited to, and as determined by the CDFI Fund: Buying a home, paying for post-secondary education, or starting or expanding a small business.
Technical Assistance [3]	Means the provision of consulting services, resources, training, and other nonmonetary support relating to an organization, individual, or operation of a trade or business, as may be specified by the CDFI Fund in the applicable NOFA.

APPENDIX 2—IMPACT REPORTING ENHANCEMENTS

Activity type	Abbreviation	Current impact reporting guidance	Proposed enhancement
Affordable Housing Development Loans and Project Investments.	AHD	Total number of affordable units developed or rehabilitated as part of the transaction.	Picklist—Single Family; Multi-Family.

[1] Included in the definition of *Targeted Financial Securities.*

[2] Ibid.

[3] Included in the definitions of: *CDFI Support Activity* and *Community Services.*

APPENDIX 2—IMPACT REPORTING ENHANCEMENTS—Continued

Activity type	Abbreviation	Current impact reporting guidance	Proposed enhancement
Commercial Real Estate Loans and Project Investments.	CRE	Total number of commercial real estate properties acquired, developed or rehabilitated.	Picklist—Acquisition; Development; Rehabilitation.
Small Business Loans and Project Investments.	SBL	Total number of full-time equivalent jobs created or maintained by borrower.	Picklist—Working Capital; Business Expansion; Business Startup; Fixed Capital; Equipment; Other.
Financial Services	FS	Number of accounts opened, checks cashed, etc.	Picklist—Accounts Opened; Checks Cashed; New Branch, New ATM, Other.
Targeted Financial Services.	TFS	Number of accounts opened, checks cashed, etc.	Picklist—Accounts Opened; Checks Cashed; Other.
Targeted Savings Products.	TSP	Number of products developed, sold or opened	Text box—Describe the Product Type.
Community Services	CS	Number of individuals who received the identified service.	Text box—Describe the Type of Community Services Provided.

[FR Doc. 2019–22377 Filed 10–11–19; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; OCC Supplier Registration Form

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''OCC Supplier Registration Form.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before November 14, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0316, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0316'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0316, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0316'' or ''OCC Supplier Registration Form.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

Title: OCC Supplier Registration Form.

OMB Number: 1557–0316.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

[1] On April 5, 2019, the OCC published a 60-day notice for this information collection, 84 FR 13785.

Estimated Number of Respondents: 200.

Estimated Total Annual Burden Hours: 33 hours.

Abstract: Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) requires the OCC to develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the agency at all levels, including procurement, insurance, and all types of contracts [2] and to develop standards for coordinating technical assistance to such businesses.[3]

In order to comply with the Congressional mandate to develop standards for the fair inclusion and utilization of minority- and women-owned businesses and to provide effective technical assistance to these businesses, the OCC developed an on-going system to collect up-to-date contact information and capabilities statements from potential suppliers. This information allows the OCC to update and enhance its internal database of interested minority- and women-owned businesses. This information also allows the OCC to measure the effectiveness of its technical assistance and outreach efforts and to target areas where additional outreach efforts are necessary.

On April 5, 2019, the OCC published a notice for 60 days of comment regarding this collection, 84 FR 13785. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

[2] 12 U.S.C. 5452(c)(1).

[3] 12 U.S.C. 5452(b)(2)(B).

Dated: October 4, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–22407 Filed 10–11–19; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning regulations governing practice before the Internal Revenue Service.

DATES: Written comments should be received on or before December 16, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Dr. Philippe Thomas, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Regulations Governing Practice Before the Internal Revenue Service.

OMB Number: 1545–1726.

Regulation Project and Associated Form Numbers: T.D. 9527, T.D. 9011, Rev. Proc. 2012–12, Form 14360, Form 14364, and Form 14392.

Abstract: The regulations affect individuals who are eligible to practice before the Internal Revenue Service and authorize the Director of Practice to act upon applications for enrollment to practice before the Internal Revenue Service. The Director of Practice will use certain information to ensure that: (1) Enrolled agents properly complete continuing education requirements to obtain renewal; (2) practitioners properly obtain consent of taxpayers before representing conflicting interests; and (3) practitioners do not use e-commerce to make misleading solicitations.

Current Actions: There are no changes being made to the regulation, forms, or burden estimates at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 718,400.

Estimated Time per Respondent: 2 hours, 28 minutes.

Estimated Total Annual Burden Hours: 1,777,125 hours.

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: October 8, 2019.

Philippe Thomas,

Supervisor Tax Analyst.

[FR Doc. 2019–22372 Filed 10–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1363

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Export Exemption Certificate.

DATES: Written comments should be received on or before December 16, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Dr. Philippe Thomas, 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 Martha R. Brinson, at (202)317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Export Exemption Certificate.

OMB Number: 1545–0685.

Form Number: 1363.

Abstract: Internal Revenue Code section 427(b)(2) exempts exported property from the excise tax on transportation of property. Regulation § 49.4271–1(d)(2) authorizes the filing of Form 1363 by the shipper to request tax exemption for a shipment or a series of shipments. The information on the form is used by the IRS to verify shipments of property made tax-free.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 4 hours, 15 minutes.

Estimated Total Annual Burden Hours: 425,000.

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: October 9, 2019.

Philippe Thomas,

Supervisory Tax Analyst.

[FR Doc. 2019–22443 Filed 10–11–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, 10(a)(2), that a meeting will be held at the United States Treasury Department, 15th Street and Pennsylvania Avenue NW, Washington, DC, on October 29, 2019 at 9:30 a.m. of the following debt management advisory committee: Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, 10(d) and Public Law 103–202, 202(c)(1)(B)(31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202, 202(c)(1)(B).

Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency

official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622–1876.

Dated: October 4, 2019.

Fred Pietrangeli,

Director for Office of Debt Management.

[FR Doc. 2019–22121 Filed 10–11–19; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; CDFI Program and NACA Program Application

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before November 14, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Community Development Financial Institutions Fund (CDFIF)

Title: CDFI Program and NACA Program Application.

OMB Control Number: 1559–0021.

Type of Review: Revision of a currently approved collection.

Description: Pursuant to the Riegle Community Development Banking and Financial Institutions Act of 1994, as amended (the Act, 12 U.S.C. 4701 *et seq.*), the Community Development Financial Institutions (CDFI) Program provides financial and technical assistance to selected applicants and Community Development Financial Institutions (CDFIs) in order to enhance their ability to make loans and investments and provide services for the benefit of designated Investment Areas and Targeted Populations.

The application questions for the CDFI Fund's Financial Assistance (FA) and Technical Assistance (TA) programs have been modified to reflect public comments received through the request for public comment as required the Paperwork Reduction Act (PRA). The revised FA application includes the Base-FA application as well as the following applications for awards that are provided as supplemental to the Base-FA award: Persistent Poverty County Financial Assistance (PPC–FA), Healthy Food Financing Initiative-Financial Assistance (HFFI–FA), and Disability Funds-Financial Assistance (DF–FA). The supplemental applications are only completed if the applicant is requesting those specific funds.

The information collected will be used to select awardees, based on a merit-based selection process. The requested information is required by the CDFI Program regulations (12 CFR part 1805) and respective Notice of Funds Availabilities.

Form: None.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Estimated Number of Respondents: 500.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 500.

Estimated Time per Response: 100 hours.

Estimated Total Annual Burden Hours: 50,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 8, 2019.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2019–22379 Filed 10–11–19; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board, Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under Federal Advisory Committee Act that the subcommittees of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB) will be held on the dates below from 8:00 a.m. to 5:00 p.m. (unless otherwise listed) at the 20 F Conference Center, 20 F Street NW, Washington, DC 20001 and at the Office of Research and Development, 1100 First Street NE, Washington, DC 20002:

Meeting	Date(s)
BL/CS R&D Surgery Subcommittee	November 12, 2019.
BL/CS R&D Pulmonary Medicine Subcommittee	November 13, 2019.
BL/CS R&D Infectious Diseases-B Subcommittee	November 14, 2019.
BL/CS R&D Oncology-A/D Subcommittee	November 14, 2019.
BL/CS R&D Hematology Subcommittee	November 15, 2019.
BL/CS R&D Oncology-C Subcommittee	November 15, 2019.
BL/CS R&D Cellular & Molecular Medicine Subcommittee	November 18, 2019.
BL/CS R&D Oncology-B/E Subcommittee	November 18, 2019.
BL/CS R&D Immunology & Dermatology-A Subcommittee	November 20, 2019.
BL/CS R&D Mental Health & Behavioral Sciences-C Subcommittee	November 20, 2019.
BL/CS R&D Cardiovascular Studies-A Subcommittee	November 21, 2019.
BL/CS R&D Endocrinology-A Subcommittee	November 21, 2019.
BL/CS R&D Mental Health & Behavioral Sciences-P	November 21, 2019.
BL/CS R&D Neurobiology-C Subcommittee	November 21, 2019.
BL/CS R&D Neurobiology-E Subcommittee	November 22, 2019.

Meeting	Date(s)
BL/CS R&D Endocrinology-B Subcommittee	November 25, 2019.
BL/CS R&D Mental Health & Behavioral Sciences-A Subcommittee	December 3, 2019.
BL/CS R&D Nephrology Subcommittee	December 3, 2019.
BL/CS R&D Neurobiology-B Subcommittee	December 3, 2019.
BL/CS R&D Infectious Diseases-A Subcommittee	December 4, 2019.
BL/CS R&D Neurobiology-F Subcommittee	December 4, 2019.
BL/CS R&D Cardiovascular Studies-B Subcommittee	December 5, 2019.
BL/CS R&D Gastroenterology Subcommittee	December 5, 2019.
BL/CS R&D Neurobiology-P Subcommittee	December 5, 2019.
BL/CS R&D Neurobiology-A Subcommittee	December 6, 2019.
BL/CS R&D Neurobiology-D Subcommittee	December 6, 2019.
BL/CS R&D Gulf War Research Subcommittee	December 6, 2019.
BL/CS R&D Eligibility Subcommittee	January 17, 2020.

The purpose of the subcommittees is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review evaluation. Proposals submitted for review include various medical specialties within the general areas of biomedical, behavioral and clinical science research.

These subcommittee meetings will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals, which involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the subcommittee meetings is in accordance with Title 5 U.S.C. 552b(c)(6) and (9)(B).

Those who would like to obtain a copy of the minutes from the closed subcommittee meetings and rosters of the subcommittee members should contact Holly Krull, Ph.D., Manager, Merit Review Program (10X2B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at (202) 632–8522 or email at *holly.krull@va.gov.*

Dated: October 8, 2019.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–22378 Filed 10–11–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Creating Options for Veterans Expedited Recovery (COVER) Commission, Notice of Meeting

In accordance with the Federal Advisory Committee Act, the Creating Options for Veterans Expedited Recovery (COVER) Commission gives notice of a meeting to be held on October 24 and 25, 2019, at the VHA National Conference Center, 2011 Crystal Drive, Crystal City, Virginia 22202. The public session on October 24 will begin at 1:00 p.m. and conclude at approximately 5:00 p.m. On October 25, the public session will begin at 8:30 a.m. and conclude at approximately 12:00 p.m. (all times Eastern).

The purpose of the COVER Commission is to examine the evidence-based therapy treatment model used by the Department of Veterans Affairs (VA) for treating mental health conditions of Veterans and the potential benefits of incorporating complementary and integrative health approaches as standard practice throughout the Department.

Members of the public are invited to attend open sessions in-person or via telephone listening line. Only a limited amount of seating will be available, and members of the public will be seated on a first come-first served basis. The listening line number for October 24 is 844–376–0278 access code 771669984#. The listening line number for October 25 is 844–376–0278 access code 623057095#. Listening lines will be activated approximately 10 minutes prior to each day's sessions. Members of the public utilizing the listening line are asked to confirm their attendance via an email to *COVERCommission@va.gov.* The videotaping or recording of Commission proceedings is discouraged as it may be disruptive to the Commission's work.

Any member of the public seeking additional information including copies of materials referenced during open sessions should email the Designated Federal Officer for the Commission, Mr. John Goodrich, at *COVERCommission@va.gov.* Although there will not be time allotted for members of the public to speak, the COVER Commission will accept written comments which may be sent to the email address noted. In communications with the Commission, the writers must identify themselves and state the organizations, associations, or persons they represent.

Dated: October 8, 2019.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–22373 Filed 10–11–19; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 84 Tuesday,

No. 199 October 15, 2019

Part II

The President

Executive Order 13891—Promoting the Rule of Law Through Improved Agency Guidance Documents

Executive Order 13892—Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement Adjudication

Federal Register
Vol. 84, No. 199
Tuesday, October 15, 2019

Presidential Documents

Title 3—

The President

Executive Order 13891 of October 9, 2019

Promoting the Rule of Law Through Improved Agency Guidance Documents

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that Americans are subject to only those binding rules imposed through duly enacted statutes or through regulations lawfully promulgated under them, and that Americans have fair notice of their obligations, it is hereby ordered as follows:

Section 1. *Policy.* Departments and agencies (agencies) in the executive branch adopt regulations that impose legally binding requirements on the public even though, in our constitutional democracy, only Congress is vested with the legislative power. The Administrative Procedure Act (APA) generally requires agencies, in exercising that solemn responsibility, to engage in notice-and-comment rulemaking to provide public notice of proposed regulations under section 553 of title 5, United States Code, allow interested parties an opportunity to comment, consider and respond to significant comments, and publish final regulations in the *Federal Register*.

Agencies may clarify existing obligations through non-binding guidance documents, which the APA exempts from notice-and-comment requirements. Yet agencies have sometimes used this authority inappropriately in attempts to regulate the public without following the rulemaking procedures of the APA. Even when accompanied by a disclaimer that it is non-binding, a guidance document issued by an agency may carry the implicit threat of enforcement action if the regulated public does not comply. Moreover, the public frequently has insufficient notice of guidance documents, which are not always published in the *Federal Register* or distributed to all regulated parties.

Americans deserve an open and fair regulatory process that imposes new obligations on the public only when consistent with applicable law and after an agency follows appropriate procedures. Therefore, it is the policy of the executive branch, to the extent consistent with applicable law, to require that agencies treat guidance documents as non-binding both in law and in practice, except as incorporated into a contract, take public input into account when appropriate in formulating guidance documents, and make guidance documents readily available to the public. Agencies may impose legally binding requirements on the public only through regulations and on parties on a case-by-case basis through adjudications, and only after appropriate process, except as authorized by law or as incorporated into a contract.

Sec. 2. *Definitions.* For the purposes of this order:

(a) ''Agency'' has the meaning given in section 3(b) of Executive Order 12866 (Regulatory Planning and Review), as amended.

(b) ''Guidance document'' means an agency statement of general applicability, intended to have future effect on the behavior of regulated parties, that sets forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation, but does not include the following:

(i) rules promulgated pursuant to notice and comment under section 553 of title 5, United States Code, or similar statutory provisions;

(ii) rules exempt from rulemaking requirements under section 553(a) of title 5, United States Code;

(iii) rules of agency organization, procedure, or practice;

(iv) decisions of agency adjudications under section 554 of title 5, United States Code, or similar statutory provisions;

(v) internal guidance directed to the issuing agency or other agencies that is not intended to have substantial future effect on the behavior of regulated parties; or

(vi) internal executive branch legal advice or legal opinions addressed to executive branch officials.

(c) ''Significant guidance document'' means a guidance document that may reasonably be anticipated to:

(i) lead to an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles of Executive Order 12866.

(d) ''Pre-enforcement ruling'' means a formal written communication by an agency in response to an inquiry from a person concerning compliance with legal requirements that interprets the law or applies the law to a specific set of facts supplied by the person. The term includes informal guidance under section 213 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121 (Title II), as amended, letter rulings, advisory opinions, and no-action letters.

Sec. 3. *Ensuring Transparent Use of Guidance Documents.* (a) Within 120 days of the date on which the Office of Management and Budget (OMB) issues an implementing memorandum under section 6 of this order, each agency or agency component, as appropriate, shall establish or maintain on its website a single, searchable, indexed database that contains or links to all guidance documents in effect from such agency or component. The website shall note that guidance documents lack the force and effect of law, except as authorized by law or as incorporated into a contract.

(b) Within 120 days of the date on which OMB issues an implementing memorandum under section 6 of this order, each agency shall review its guidance documents and, consistent with applicable law, rescind those guidance documents that it determines should no longer be in effect. No agency shall retain in effect any guidance document without including it in the relevant database referred to in subsection (a) of this section, nor shall any agency, in the future, issue a guidance document without including it in the relevant database. No agency may cite, use, or rely on guidance documents that are rescinded, except to establish historical facts. Within 240 days of the date on which OMB issues an implementing memorandum, an agency may reinstate a guidance document rescinded under this subsection without complying with any procedures adopted or imposed pursuant to section 4 of this order, to the extent consistent with applicable law, and shall include the guidance document in the relevant database.

(c) The Director of OMB (Director), or the Director's designee, may waive compliance with subsections (a) and (b) of this section for particular guidance documents or categories of guidance documents, or extend the deadlines set forth in those subsections.

(d) As requested by the Director, within 240 days of the date on which OMB issues an implementing memorandum under section 6 of this order, an agency head shall submit a report to the Director with the reasons for maintaining in effect any guidance documents identified by the Director.

The Director shall provide such reports to the President. This subsection shall apply only to guidance documents existing as of the date of this order.

Sec. 4. *Promulgation of Procedures for Issuing Guidance Documents.* (a) Within 300 days of the date on which OMB issues an implementing memorandum under section 6 of this order, each agency shall, consistent with applicable law, finalize regulations, or amend existing regulations as necessary, to set forth processes and procedures for issuing guidance documents. The process set forth in each regulation shall be consistent with this order and shall include:

(i) a requirement that each guidance document clearly state that it does not bind the public, except as authorized by law or as incorporated into a contract;

(ii) procedures for the public to petition for withdrawal or modification of a particular guidance document, including a designation of the officials to which petitions should be directed; and

(iii) for a significant guidance document, as determined by the Administrator of OMB's Office of Information and Regulatory Affairs (Administrator), unless the agency and the Administrator agree that exigency, safety, health, or other compelling cause warrants an exemption from some or all requirements, provisions requiring:

(A) a period of public notice and comment of at least 30 days before issuance of a final guidance document, and a public response from the agency to major concerns raised in comments, except when the agency for good cause finds (and incorporates such finding and a brief statement of reasons therefor into the guidance document) that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest;

(B) approval on a non-delegable basis by the agency head or by an agency component head appointed by the President, before issuance;

(C) review by the Office of Information and Regulatory Affairs (OIRA) under Executive Order 12866, before issuance; and

(D) compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in Executive Orders 12866, 13563 (Improving Regulation and Regulatory Review), 13609 (Promoting International Regulatory Cooperation), 13771 (Reducing Regulation and Controlling Regulatory Costs), and 13777 (Enforcing the Regulatory Reform Agenda).

(b) The Administrator shall issue memoranda establishing exceptions from this order for categories of guidance documents, and categorical presumptions regarding whether guidance documents are significant, as appropriate, and may require submission of significant guidance documents to OIRA for review before the finalization of agency regulations under subsection (a) of this section. In light of the Memorandum of Agreement of April 11, 2018, this section and section 5 of this order shall not apply to the review relationship (including significance determinations) between OIRA and any component of the Department of the Treasury, or to compliance by the latter with Executive Orders 12866, 13563, 13609, 13771, and 13777. Section 4(a)(iii) and section 5 of this order shall not apply to pre-enforcement rulings.

Sec. 5. *Executive Orders 12866, 13563, and 13609.* The requirements and procedures of Executive Orders 12866, 13563, and 13609 shall apply to guidance documents, consistent with section 4 of this order.

Sec. 6. *Implementation.* The Director shall issue memoranda and, as appropriate, regulations pursuant to sections 3504(d)(1) and 3516 of title 44, United States Code, and other appropriate authority, to provide guidance regarding or otherwise implement this order.

Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) Notwithstanding any other provision in this order, nothing in this order shall apply:

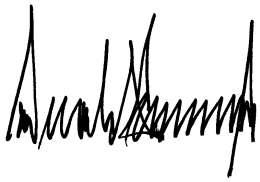
(i) to any action that pertains to foreign or military affairs, or to a national security or homeland security function of the United States (other than guidance documents involving procurement or the import or export of non-defense articles and services);

(ii) to any action related to a criminal investigation or prosecution, including undercover operations, or any civil enforcement action or related investigation by the Department of Justice, including any action related to a civil investigative demand under 18 U.S.C. 1968;

(iii) to any investigation of misconduct by an agency employee or any disciplinary, corrective, or employment action taken against an agency employee;

(iv) to any document or information that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the Freedom of Information Act); or

(v) in any other circumstance or proceeding to which application of this order, or any part of this order, would, in the judgment of the head of the agency, undermine the national security.



THE WHITE HOUSE,
October 9, 2019.

[FR Doc. 2019–22623
Filed 10–11–19; 11:15 am]
Billing code 3295–F0–P

Presidential Documents

Executive Order 13892 of October 9, 2019

Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* The rule of law requires transparency. Regulated parties must know in advance the rules by which the Federal Government will judge their actions. The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.,* was enacted to provide that ''administrative policies affecting individual rights and obligations be promulgated pursuant to certain stated procedures so as to avoid the inherently arbitrary nature of unpublished *ad hoc* determinations.'' *Morton* v. *Ruiz,* 415 U.S. 199, 232 (1974). The Freedom of Information Act, America's landmark transparency law, amended the APA to further advance this goal. The Freedom of Information Act, as amended, now generally requires that agencies publish in the *Federal Register* their substantive rules of general applicability, statements of general policy, and interpretations of law that are generally applicable and both formulated and adopted by the agency (5 U.S.C. 552(a)(1)(D)). The Freedom of Information Act also generally prohibits an agency from adversely affecting a person with a rule or policy that is not so published, except to the extent that the person has actual and timely notice of the terms of the rule or policy (5 U.S.C. 552(a)(1)).

Unfortunately, departments and agencies (agencies) in the executive branch have not always complied with these requirements. In addition, some agency practices with respect to enforcement actions and adjudications undermine the APA's goals of promoting accountability and ensuring fairness.

Agencies shall act transparently and fairly with respect to all affected parties, as outlined in this order, when engaged in civil administrative enforcement or adjudication. No person should be subjected to a civil administrative enforcement action or adjudication absent prior public notice of both the enforcing agency's jurisdiction over particular conduct and the legal standards applicable to that conduct. Moreover, the Federal Government should, where feasible, foster greater private-sector cooperation in enforcement, promote information sharing with the private sector, and establish predictable outcomes for private conduct. Agencies shall afford regulated parties the safeguards described in this order, above and beyond those that the courts have interpreted the Due Process Clause of the Fifth Amendment to the Constitution to impose.

Sec. 2. *Definitions.* For the purposes of this order:

(a) ''Agency'' has the meaning given to ''Executive agency'' in section 105 of title 5, United States Code, but excludes the Government Accountability Office.

(b) ''Collection of information'' includes any conduct that would qualify as a ''collection of information'' as defined in section 3502(3)(A) of title 44, United States Code, or section 1320.3(c) of title 5, Code of Federal Regulations, and also includes any request for information, regardless of the number of persons to whom it is addressed, that is:

(i) addressed to all or a substantial majority of an industry; or

(ii) designed to obtain information from a representative sample of individual persons in an industry.

(c) ''Guidance document'' means an agency statement of general applicability, intended to have future effect on the behavior of regulated parties, that sets forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation, but does not include the following:

(i) rules promulgated pursuant to notice and comment under section 553 of title 5, United States Code, or similar statutory provisions;

(ii) rules exempt from rulemaking requirements under section 553(a) of title 5, United States Code;

(iii) rules of agency organization, procedure, or practice;

(iv) decisions of agency adjudications under section 554 of title 5, United States Code, or similar statutory provisions;

(v) internal guidance directed to the issuing agency or other agencies that is not intended to have substantial future effect on the behavior of regulated parties; or

(vi) internal executive branch legal advice or legal opinions addressed to executive branch officials.

(d) ''Legal consequence'' means the result of an action that directly or indirectly affects substantive legal rights or obligations. The meaning of this term should be informed by the Supreme Court's discussion in *U.S. Army Corps of Engineers* v. *Hawkes Co.,* 136 S. Ct. 1807, 1813–16 (2016), and includes, for example, agency orders specifying which commodities are subject to or exempt from regulation under a statute, *Frozen Food Express* v. *United States,* 351 U.S. 40, 44–45 (1956), as well as agency letters or orders establishing greater liability for regulated parties in a subsequent enforcement action, *Rhea Lana, Inc.* v. *Dep't of Labor,* 824 F.3d 1023, 1030 (DC Cir. 2016). In particular, ''legal consequence'' includes subjecting a regulated party to potential liability.

(e) ''Unfair surprise'' means a lack of reasonable certainty or fair warning of what a legal standard administered by an agency requires. The meaning of this term should be informed by the examples of lack of fair notice discussed by the Supreme Court in *Christopher* v. *SmithKline Beecham Corp.,* 567 U.S. 142, 156 & n.15 (2012).

(f) ''Pre-enforcement ruling'' means a formal written communication from an agency in response to an inquiry from a person concerning compliance with legal requirements that interprets the law or applies the law to a specific set of facts supplied by the person. The term includes informal guidance under section 213 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121 (Title II), as amended (SBREFA), letter rulings, advisory opinions, and no-action letters.

(g) ''Regulation'' means a legislative rule promulgated pursuant to section 553 of title 5, United States Code, or similar statutory provisions.

Sec. 3. *Proper Reliance on Guidance Documents.* Guidance documents may not be used to impose new standards of conduct on persons outside the executive branch except as expressly authorized by law or as expressly incorporated into a contract. When an agency takes an administrative enforcement action, engages in adjudication, or otherwise makes a determination that has legal consequence for a person, it must establish a violation of law by applying statutes or regulations. The agency may not treat noncompliance with a standard of conduct announced solely in a guidance document as itself a violation of applicable statutes or regulations. When an agency uses a guidance document to state the legal applicability of a statute or regulation, that document can do no more, with respect to prohibition of conduct, than articulate the agency's understanding of how a statute or regulation applies to particular circumstances. An agency may cite a guidance document to convey that understanding in an administrative enforcement action or adjudication only if it has notified the public of such document in advance through publication, either in full or by citation if publicly available, in the *Federal Register* (or on the portion of the agency's website

that contains a single, searchable, indexed database of all guidance documents in effect).

Sec. 4. *Fairness and Notice in Administrative Enforcement Actions and Adjudications.* When an agency takes an administrative enforcement action, engages in adjudication, or otherwise makes a determination that has legal consequence for a person, it may apply only standards of conduct that have been publicly stated in a manner that would not cause unfair surprise. An agency must avoid unfair surprise not only when it imposes penalties but also whenever it adjudges past conduct to have violated the law.

Sec. 5. *Fairness and Notice in Jurisdictional Determinations.* Any decision in an agency adjudication, administrative order, or agency document on which an agency relies to assert a new or expanded claim of jurisdiction—such as a claim to regulate a new subject matter or an explanation of a new basis for liability—must be published, either in full or by citation if publicly available, in the *Federal Register* (or on the portion of the agency's website that contains a single, searchable, indexed database of all guidance documents in effect) before the conduct over which jurisdiction is sought occurs. If an agency intends to rely on a document arising out of litigation (other than a published opinion of an adjudicator), such as a brief, a consent decree, or a settlement agreement, to establish jurisdiction in future administrative enforcement actions or adjudications involving persons who were not parties to the litigation, it must publish that document, either in full or by citation if publicly available, in the *Federal Register* (or on the portion of the agency's website that contains a single, searchable, indexed database of all guidance documents in effect) and provide an explanation of its jurisdictional implications. An agency may not seek judicial deference to its interpretation of a document arising out of litigation (other than a published opinion of an adjudicator) in order to establish a new or expanded claim or jurisdiction unless it has published the document or a notice of availability in the *Federal Register* (or on the portion of the agency's website that contains a single, searchable, indexed database of all guidance documents in effect).

Sec. 6. *Opportunity to Contest Agency Determination.* (a) Except as provided in subsections (b) and (c) of this section, before an agency takes any action with respect to a particular person that has legal consequence for that person, including by issuing to such a person a no-action letter, notice of noncompliance, or other similar notice, the agency must afford that person an opportunity to be heard, in person or in writing, regarding the agency's proposed legal and factual determinations. The agency must respond in writing and articulate the basis for its action.

(b) Subsection (a) of this section shall not apply to settlement negotiations between agencies and regulated parties, to notices of a prospective legal action, or to litigation before courts.

(c) An agency may proceed without regard to subsection (a) of this section where necessary because of a serious threat to health, safety, or other emergency or where a statute specifically authorizes proceeding without a prior opportunity to be heard. Where an agency proceeds under this subsection, it nevertheless must afford any person an opportunity to be heard, in person or in writing, regarding the agency's legal determinations and respond in writing as soon as practicable.

Sec. 7. *Ensuring Reasonable Administrative Inspections.* Within 120 days of the date of this order, each agency that conducts civil administrative inspections shall publish a rule of agency procedure governing such inspections, if such a rule does not already exist. Once published, an agency must conduct inspections of regulated parties in compliance with the rule.

Sec. 8. *Appropriate Procedures for Information Collections.* (a) Any agency seeking to collect information from a person about the compliance of that person or of any other person with legal requirements must ensure that such collections of information comply with the provisions of the Paperwork Reduction Act, section 3512 of title 44, United States Code, and section

1320.6(a) of title 5, Code of Federal Regulations, applicable to collections of information (other than those excepted under section 3518 of title 44, United States Code).

(b) To advance the purposes of subsection (a) of this section, any collection of information during the conduct of an investigation (other than those investigations excepted under section 3518 of title 44, United States Code, and section 1320.4 of title 5, Code of Federal Regulations, or civil investigative demands under 18 U.S.C. 1968) must either:

(i) display a valid control number assigned by the Director of the Office of Management and Budget; or

(ii) inform the recipient through prominently displayed plain language that no response is legally required.

Sec. 9. *Cooperative Information Sharing and Enforcement.* (a) Within 270 days of the date of this order, each agency, as appropriate, shall, to the extent practicable and permitted by law, propose procedures:

(i) to encourage voluntary self-reporting of regulatory violations by regulated parties in exchange for reductions or waivers of civil penalties;

(ii) to encourage voluntary information sharing by regulated parties; and

(iii) to provide pre-enforcement rulings to regulated parties.

(b) Any agency that believes additional procedures are not practicable—because, for example, the agency believes it already has adequate procedures in place or because it believes it lacks the resources to institute additional procedures—shall, within 270 days of the date of this order, submit a report to the President describing, as appropriate, its existing procedures, its need for more resources, or any other basis for its conclusion.

Sec. 10. *SBREFA Compliance.* Within 180 days of the date of this order, each agency shall submit a report to the President demonstrating that its civil administrative enforcement activities, investigations, and other actions comply with SBREFA, including section 223 of that Act. A copy of this report, subject to redactions for any applicable privileges, shall be posted on the agency's website.

Sec. 11. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner 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.

(d) Notwithstanding any other provision in this order, nothing in this order shall apply:

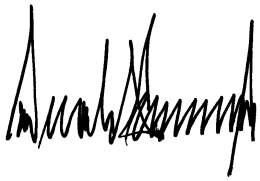
(i) to any action that pertains to foreign or military affairs, or to a national security or homeland security function of the United States (other than procurement actions and actions involving the import or export of non-defense articles and services);

(ii) to any action related to a criminal investigation or prosecution, including undercover operations, or any civil enforcement action or related investigation by the Department of Justice, including any action related to a civil investigative demand under 18 U.S.C. 1968;

(iii) to any action related to detention, seizure, or destruction of counterfeit goods, pirated goods, or other goods that infringe intellectual property rights;

(iv) to any investigation of misconduct by an agency employee or any disciplinary, corrective, or employment action taken against an agency employee; or

(v) in any other circumstance or proceeding to which application of this order, or any part of this order, would, in the judgment of the head of the agency, undermine the national security.



THE WHITE HOUSE,
October 9, 2019.

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