

DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System**

[Docket DARS–2019–0043]

Defense Federal Acquisition Regulation Supplement: Public Meetings on DFARS Cases Regarding Technical Data Rights

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Announcement of public meetings.

SUMMARY: DoD is hosting public meetings to obtain views of experts and interested parties in Government and the private sector regarding amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement statutory amendments and revisions to policies and procedures for the acquisition of technical data and computer software and associated license rights.

DATES:

Public Meeting Dates: The public meetings will be held on the following dates:

- September 6, 2019, from 9:00 a.m. to 12:00 p.m., Eastern time.
- September 16, 2019, from 1:00 p.m. to 4:00 p.m., Eastern time.

The public meetings will end at the stated times, or when the discussion ends, whichever comes first.

Registration Dates: Registration to attend the public meetings must be received no later than close of business on the following dates:

- August 30, 2019, for the meeting on September 6th.
- September 9, 2019, for the meeting on September 16th.

Information on how to register for the public meetings may be found in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: The two public meetings will be held in the Mark Center Auditorium, 4800 Mark Center Drive, Alexandria, VA 22350–3603. The Mark Center Auditorium is located on level B–1 of the building.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, telephone 571–372–6100.

SUPPLEMENTARY INFORMATION: DoD is hosting public meetings to obtain the views of experts and interested parties in Government and the private sector regarding amending the DFARS to implement statutory amendments and revise policies and procedures for acquisition of technical data and

computer software, and associated license rights. DoD also seeks to obtain information on the potential increase or decrease in public costs or savings that would result from such amendments to the DFARS. In addition to the statutory changes, DoD is considering recommendations related to that statutory subject matter that were provided in the November 13, 2018, Final Report of the Government-Industry Advisory Panel on Technical Data Rights (Section 813 Panel), established pursuant to section 813 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016.

To facilitate discussion at the public meetings, DoD anticipates publication of advance notices of proposed rulemaking, which will include initial drafts of the DFARS amendments, prior to the public meetings. This approach is based in part on a recommendation of the Section 813 Panel to invite industry to participate in the drafting of rules concerning technical data rights. For the two public meetings listed in the **DATES** section of this notice, DoD anticipates discussion of the following DFARS cases:

- 2018–D069, Validation of Proprietary and Technical Data, which implements section 865 of the NDAA for FY 2019.
- 2018–D071, Negotiation of Price for Technical Data and Preference for Specially Negotiated Licenses, which implements section 835 of the NDAA for FY 2018 and section 867 of the NDAA for FY 2019.

After these two meetings, DoD anticipates scheduling and hosting additional public meetings, structured in the same manner and for the same overall objective, to address the following DFARS cases:

- 2018–D070, Continuation of Technical Data Rights during Challenges, which implements section 866 of the NDAA for FY 2018.
- 2018–D018, Noncommercial Computer Software, which implements section 871 of the NDAA for FY 2018.
- A new case that will implement section 809 of the NDAA for FY 2017.
- A new case that will implement section 815 of the NDAA for FY 2012, as amended by section 809 of the NDAA for FY 2017.

Registration: To ensure adequate room accommodations and to facilitate security screening and entry to the Mark Center, individuals wishing to attend the public meeting must register by close of business on the dates listed in the **DATES** section of this notice, by sending the following information via email to osd.dfars@mail.mil:

- (1) Full name.

- (2) Valid email address.

- (3) Valid telephone number.

- (4) Company or organization name.

- (5) Whether the individual is a U.S. citizen.

- (6) The date(s) of the public meeting(s) the individual wishes to attend.

- (7) Whether the individual intends to make a presentation, and, if so, the individual's title.

Building Entry: Upon receipt of an email requesting registration, the Defense Acquisition Regulations System will provide notification to the Pentagon Force Protection Agency (PFPA) that the individual is requesting approval for entry to the Mark Center on the date(s) provided. PFPA will send additional instructions to the email address provided in the request for registration. The registrant must follow the instructions in the PFPA email in order to be approved for entry to the Mark Center.

One valid government-issued photo identification card (*i.e.*, driver's license or passport) will be required in order to enter the building.

Attendees are encouraged to arrive at least 30 minutes prior to the start of the meeting to accommodate security procedures.

Public parking is not available at the Mark Center.

Presentations: If you wish to make a presentation, please submit an electronic copy of your presentation to osd.dfars@mail.mil no later than the registration date for the specific meeting listed in the **DATES** section of this notice. Each presentation should be in PowerPoint to facilitate projection during the public meeting and should include the presenter's name, organization affiliation, telephone number, and email address on the cover page. Please submit presentations only and cite "Public Meeting, DFARS Technical Data Rights Cases" in all correspondence related to the public meeting. There will be no transcription at the meeting. The submitted presentations will be the only record of the public meeting and will be posted to the following website at the conclusion of the public meeting: https://www.acq.osd.mil/dpap/dars/technical_data_rights.

Special accommodations: The public meeting is physically accessible to persons with disabilities. Requests for reasonable accommodations, sign language interpretation, or other auxiliary aids should be directed to Daniel Weinstein, telephone 571–672–6105, by no later than the registration date for the specific meeting listed in the **DATES** section of this notice.

The TTY number for further information is: 1-800-877-8339. When the operator answers the call, let him or her know the agency is the Department of Defense and the point of contact is Daniel Weinstein at 571-672-6105.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft NEPA Document for the Upper St. Anthony Falls Lock and Dam Disposition Study, Hennepin County, Minnesota

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

ACTION: Notice of intent to initiate public scoping and prepare an Environmental Assessment (EA).

SUMMARY: The St. Paul District, Army Corps of Engineers (Corps) is conducting a study regarding the disposition of the Upper St. Anthony Falls Lock and Dam (USAF) located at river mile 853.9 on the Upper Mississippi River, in Hennepin County, Minnesota. The study will include an environmental assessment and consider modifications that could improve the overall quality of the environment in the public interest, including removal of federally-owned facilities. The study will evaluate three types of alternatives: (1) No action; (2) de-authorization and disposal of all federally-owned and operated facilities; and (3) partial de-authorization and disposal of features or separable elements not required for flood mitigation operations. The study will also explore opportunities to improve the overall quality and health of the environment and/or enhance recreation. It is anticipated that a preliminary draft report of the integrated Disposition Study and Environmental Assessment (EA) will be available for a minimum 30-day public comment period in the Spring of 2020. The St. Paul District of the Army Corps of Engineers is soliciting public comments on the scope of the proposed study and significant issues that should be analyzed in the EA.

DATES:

Scoping Meetings: The Corps will hold public scoping meetings at the following times and locations during the scoping period:

- Tuesday, August 13th, 2019 from 6:00 p.m. to 8:00 p.m. at the Mill City Museum, 704 South Second Street, Minneapolis, Minnesota 55401.

- Monday, August 19th, 2019 from 6:00 p.m. to 8:00 p.m. at the Michael Dowling School, 3900 West River Parkway, Minneapolis, Minnesota 55406.

At the scoping meetings, the public is encouraged to submit resource information, and identify topics to be considered in the development of the EA. Public meetings will include a presentation and question and answer session. The Corps will require formal comments to be provided in writing, which will be accepted at the meetings or may be submitted at any time during the comment period.

Comments: The Corps will accept comments received or postmarked on or before October 20, 2019. Any comments received after the closing date may not be considered.

ADDRESSES: Comments may be submitted by one of the following methods:

Email—Written comments should be sent to: MplsLocksDisposition@usace.army.mil.

Mail/Courier—Written comments should be sent to: District Engineer, U.S. Army Corps of Engineers, St. Paul District, ATTN: Regional Planning and Environment Division North, 180 Fifth Street East, Suite 700, St. Paul, Minnesota 55101-1678

Comment Card—Comment cards provided as part of the public meetings will be collected at the end of the meeting or can be mailed to the address in the MAIL/COURIER section above.

If submitting comments by email, the following should be included in the subject line or first line of the message “USAF Disposition Study Comments”.

FOR FURTHER INFORMATION CONTACT: To have your name added to a mailing list for notices related to the preliminary draft report and EA or additional public meetings, submit an email request to MplsLocksDisposition@usace.army.mil. General questions about the study may be directed to Nan Bischoff, Project Manager, U.S. Army Corps of Engineers, St. Paul District, 180 Fifth Street East, Suite 700, St. Paul, MN 55101-1678; telephone (651) 290-5426; email: Nanette.m.bischoff@usace.army.mil.

SUPPLEMENTARY INFORMATION: The Corps operates USAF, located on the Mississippi River in Minneapolis, Minnesota. Section 2010 of the Water Resources Reform and Development Act of 2014, Public Law 113-121, directed the Corps to close the lock to navigation operations but to continue to carry out

emergency operations necessary to mitigate flood damages. Navigation at the lock ceased on June 9th, 2015. Prior to the closure of USAF, the lock operated as part of a system to support navigation on the upper reaches of the Mississippi River 9-foot navigation channel. With the lock at USAF now closed to navigation, the demand for both commercial and recreational lockage has decreased at Lower St. Anthony Falls Dam (LSAF) and Lock and Dam 1 (LD 1). A disposition study for LSAF and LD 1 will be conducted separately from the disposition study for USAF, and will follow a similar public scoping procedure. The LSAF and LD 1 disposition study is scheduled to begin in early 2021.

Section 216 of the Flood Control Act of 1970 authorizes the Secretary of the Army to review operations of completed projects, when found advisable due to changed physical, economic, or environmental conditions. Disposition studies are a specific type of Section 216 study with the intent to determine whether a water resources development project operated and maintained by the Corps of Engineers should be de-authorized and the associated real property and Government-owned improvements disposed of. An Initial Appraisal (IA) was conducted by the Corps in 2015 to determine if conditions exist which may warrant further analysis on a completed project as authorized by Section 216. The IA recommended investigation under this authority regarding the future use or disposition of USAF as well as LSAF and LD 1.

The Corps began a disposition study for USAF, LSAF, and LD 1 in early 2018 with the intent that all three sites would be studied and presented in one report. Public scoping meetings for a combined study were held in July 2018. The combined disposition study was put on hold following the enactment of the Water Resources Development Act of 2018 (WRDA 2018). WRDA 2018 contains two sections pertinent to the scope and timing of the disposition studies: Section 1168, entitled “Disposition of Projects” and Section 1225, entitled “Upper Mississippi River protection”. The full version of the WRDA 2018 may be found here: <https://www.congress.gov/bill/115th-congress/senate-bill/3021/>.

Following enactment of WRDA 2018, the Corps of Engineers solicited input and published implementation guidance for WRDA 2018, Sections 1168 and 1225. Input was provided by U.S. Senators Amy Klobuchar and Tina Smith of Minnesota, the National Park Service, the Friends of the Lock and