

the application within [60 days] after the time for filing a reply, or when further proceedings are held, within [60 days] after completion of such proceedings.

(a) *For an application involving a prevailing party.* The decision on the application shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if applicable, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

(b) *For an application involving an allegedly excessive agency demand.* The decision on the application shall include written findings and conclusions on the applicant's eligibility and an explanation of the reasons why the agency's demand was or was not determined to be substantially in excess of the underlying decision of the adjudicative officer and was or was not unreasonable when compared with that decision. That determination shall be based upon all the facts and circumstances of the case. The decision on the application shall also include, if at issue, findings on whether the applicant has committed a willful violation of law or otherwise acted in bad faith, or whether special circumstances make an award unjust.

(c) *Awards.* An adjudicative officer presiding over an EAJA proceeding may reduce the amount to be awarded, or deny any award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

#### § 4.07 Agency Review

Either the applicant or agency counsel may seek review of the decision of the adjudicative officer on the fee application, or the agency may decide to review the decision on its own initiative, in accordance with [insert cross-reference to agency's regular review procedures].

#### § 4.08 Judicial Review

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

#### § 4.09 Stay of Decision Concerning Award

Any proceedings on an application for fees under these rules shall be

automatically stayed until the agency's final disposition of the decision on which the application is based and either the time period for seeking judicial review expires, or if review has been sought, until final disposition is made by a court and no further judicial review is available.

#### § 4.10 Payment of Award

An applicant seeking payment of an award shall submit to the [comptroller or other disbursing official] of the paying agency a copy of the agency's final decision granting the award, accompanied by a certification that the applicant will not seek review of the decision in the United States courts. [Include here address for submissions at specific agency.] The agency will pay the amount awarded to the applicant within [60 days].

[FR Doc. 2019-16768 Filed 8-7-19; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Agency Information Collection Activities: Proposed Collection; Comment Request—Reasons for Underredemption of the WIC Cash-Value Benefit

**AGENCY:** Food and Nutrition Service, U.S. Department of Agriculture.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection for Reasons for Underredemption of the WIC Cash-Value Benefit. This collection is a NEW information collection.

This study informs the U.S. Department of Agriculture's Food and Nutrition Service (FNS) about the reasons behind underredemption of the cash-value benefit (CVB) issued to participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). FNS is particularly interested in how CVB redemption rates are affected by State agency policies and practices.

**DATES:** Written comments must be received on or before October 7, 2019.

**ADDRESSES:** Comments may be sent to Ruth Morgan, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Ruth Morgan at 703-305-2576 or via email at [ruth.morgan@usda.gov](mailto:ruth.morgan@usda.gov).

Comments will also be accepted through the Federal eRulemaking Portal. Follow the online instructions at <http://www.regulations.gov> for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Ruth Morgan at 703-457-7759.

**SUPPLEMENTARY INFORMATION:** Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Title:* Reasons for Underredemption of the WIC Cash-Value Benefit.

*Form Number:* N/A.

*OMB Number:* Not Yet Assigned.

*Expiration Date:* Not Yet Determined.

*Type of Request:* New Collection.

*Abstract:* The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides nutritious supplemental foods, healthcare referrals, breastfeeding support, and nutrition education to low-income pregnant, breastfeeding, and postpartum women, infants and children up to age 5 who are at nutritional risk. A Final Rule was published in the **Federal Register** on March 4, 2014 (79 FR 12273) that revised the WIC food packages to add a monthly cash-value benefit (CVB) for the purchase of fruits and vegetables. This rule also detailed specific provisions for the value of the CVB, the types of fruits and vegetables authorized, and other State options for providing this benefit. Recent studies have estimated that redemption rates for CVBs range from 73 percent to 77 percent;<sup>1 2</sup> however, the reasons for

<sup>1</sup> Phillips, D., Bell, L., Morgan, R., & Pooler, J. (2014). *Transition to EBT in WIC: Review of impact and examination of participant redemption*

underredemption of this benefit have not been fully explored. FNS has funded this study to determine the barriers to CVB redemption and the effects of State agency policies, practices, and other factors on CVB redemption rates.

There are a variety of WIC State agency policies and practices that may contribute to CVB underredemption, including but not limited to: vendor authorization and selection policies, the forms of fruits and vegetables allowed, vendor minimum stocking requirements, and participant tools and training available. Other State and household factors may also affect redemption rates, such as geographic access to WIC vendors or household preferences for certain types of fruits and vegetables.

In order to identify the factors associated with CVB redemption and examine the effects of State agency policies and practices on CVB redemption rates, FNS is conducting a study in 12 States, with more in-depth data collection occurring in 4 of these States. The study will gather data from WIC State plans and policy documents, administrative records, and WIC participants. State plan and policy document data will be collected from 12 States and used to identify variations in State agency policies and practices that may affect CVB redemption rates. Administrative record collection will be limited to electronic benefit transfer (EBT) data previously collected from 12 State agencies for the WIC Food Cost Containment Practices study (OMB Number 0584-0627, Expiration Date 09/30/2020). EBT data will be used to calculate rates in each of the 12 study State agencies and, in conjunction with the policy data, will be used to assess the ways in which redemption rates vary with differences in policies and practices. Participant and State agency staff interviews in 4 of the 12 States will be used to understand the factors that are most salient to participants in

making decisions about purchasing fruits and vegetables with their CVB and barriers to redemption. FNS will select two States with low CVB redemption rates, one State with an intermediate redemption rate, and one State with a high redemption rate for participant and State agency staff interviews.

*Affected Public:* (1) State, local, and tribal governments; (2) nonprofits; and (3) individuals. Identified respondent groups include the following:

1. *State, local, and tribal governments:* State agency staff in four States, local agency staff at six local agencies, and clinic staff at six clinics.

2. *Nonprofits:* Staff at two local agencies and two WIC clinics.<sup>3</sup>

3. *Individuals:* WIC participants in four study States.

*Estimated Number of Respondents:* The total estimated number of respondents is 317 (20 State and local government staff, 4 nonprofit staff, and 293 individuals). Of the 317 respondents to be contacted, 257 are expected to be responsive, and 60 are expected to be nonresponsive. The breakout follows:

1. *20 State and local government staff:* Of 8 State agency staff to be contacted across 4 States, 8 are expected to be responsive; of 6 local agency staff contacted across 6 local agencies, 6 are expected to be responsive; of 6 clinic staff contacted across 6 clinics, 6 are expected to be responsive.

2. *4 nonprofit staff:* Of 2 local agency staff contacted across 2 local agencies, 2 are expected to be responsive; of 2 clinic staff to be contacted across 2 clinics, 2 are expected to be responsive.

3. *293 individuals:* 9 individuals are expected to participate in a pretest. Of 284 individuals to be contacted for the main study, 144 are expected to be responsive.

*Estimated Number of Responses per Respondent:* 4.5, based on the estimated 1,417 total annual responses (1,277 responsive and 140 nonresponsive) to be made by the 317 respondents. See table 1 for the estimated number of responses per respondent for each type of respondent. The breakout follows:

<sup>3</sup> Local agencies and clinics may be either government or nonprofit organizations. It is assumed that no contacted local agencies or clinics will refuse to participate.

1. *WIC State agency staff:* The estimated number of responses per State agency staff is three. Four State agency staff will receive and respond to advance materials and scheduling; the same four State agency staff will take part in a recruitment call. Up to eight State agency staff will participate in a semistructured interview.

2. *WIC local agency staff (including state, local, and tribal governments and non-profits):* The estimated number of responses per local agency staff is four. Eight local agency staff will receive and respond to advance materials and scheduling; the same eight local agency staff will take part in a recruitment call.

3. *WIC clinic staff (including state, local, and tribal governments and non-profits):* The estimated number of responses per local clinic staff is four. Eight clinic staff will receive and respond to advance materials and scheduling; the same 8 clinic staff will take part in a recruitment call.

4. *Individuals (WIC participants):* The estimated number of responses per individual is 5.10. In total, nine individuals will participate in a pretest. 284 individuals will receive a study brochure. Of the 164 who are eligible to participate, 112 will fill out the signup sheet for in-person interviews, and 52 will fill out the signup sheet for phone interviews. Of the 164 who fill out signup sheets, 20 will not respond.

*Estimated Total Annual Responses:* 1,417 (1,277 annual responses for responsive participants and 140 annual responses for nonresponsive participants).

*Estimated Time per Response:* The estimated average response time is 0.12 hours for all respondents (0.12 hours for responsive participants and 0.05 hours for nonresponsive participants). The estimated time of response varies from 30 seconds (0.0083 hours) to 1 hour depending on respondent group and activity, as shown in table 1.

*Estimated Total Annual Burden on Respondents:* 163.38 hours (156.38 hours for responsive participants, and 7.0 hours for nonresponsive participants). See table 1 for estimated total annual burden for each type of respondent.

**BILLING CODE 3410-30-P**

patterns: Final report. Retrieved from [https://altarum.org/sites/default/files/uploaded-publication-files/Altarum\\_Transition%20to%20WIC%20EBT\\_Final%20Report\\_071614.pdf](https://altarum.org/sites/default/files/uploaded-publication-files/Altarum_Transition%20to%20WIC%20EBT_Final%20Report_071614.pdf).

<sup>2</sup> National Academies of Sciences, Engineering, and Medicine. (2017). *Review of WIC food packages: Improving balance and choice: Final report*. Washington, DC: The National Academies Press. DOI: <https://doi.org/10.17226/23655>.

**Table 1. Total Public Burden Hours and Respondent Costs**

Respondent Category	Type of Respondent	Instruments and Activities	Sample Size	Responsive					Nonresponsive					Grand Total Annual Burden Estimate (Hours)	
				Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Annual Burden (Hours)	Number of Nonrespondents	Frequency of Response	Total Annual Responses	Hours per Response	Annual Burden (Hours)		
<b>State, Local, and Tribal Government</b>															
State, Local, and Tribal Government	WIC State agency staff	Advance communications (letter)	4	4	1	4	0.10	0.40	0	0	0	0.00	0.00	0.40	
	WIC State agency staff	Advance communications (FAQ sheet)	4	4	1	4	0.10	0.40	0	0	0	0.00	0.00	0.40	
	WIC State agency staff	Recruitment call	4	4	1	4	0.75	3.00	0	0	0	0.00	0.00	3.00	
	WIC State agency staff	Reminder email	4	4	1	4	0.05	0.20	0	0	0	0.00	0.00	0.20	
	WIC State agency staff	Telephone interviews with up to two staff per State	8	8	1	8	1.00	8.00	0	0	0	0.00	0.00	8.00	
	WIC State agency staff subtotal			8	8	3	24	0.50	12.00	0	0	0	0.00	0.00	12.00
	WIC local agency staff	Advance communications (letter)	6	6	1	6	0.10	0.60	0	0	0	0.00	0.00	0.60	
	WIC local agency staff	Advance communications (FAQ sheet)	6	6	1	6	0.10	0.60	0	0	0	0.00	0.00	0.60	
	WIC local agency staff	Recruitment call	6	6	1	6	0.75	4.50	0	0	0	0.00	0.00	4.50	
	WIC local agency staff	Reminder email	6	6	1	6	0.05	0.30	0	0	0	0.00	0.00	0.30	
	WIC local agency staff subtotal			6	6	4	24	0.25	6.00	0	0	0	0.00	0.00	6.00
	Clinic staff	Advance communications (letter)	6	6	1	6	0.10	0.60	0	0	0	0.00	0.00	0.60	
	Clinic staff	Advance communications (FAQ sheet)	6	6	1	6	0.10	0.60	0	0	0	0.00	0.00	0.60	
	Clinic staff	Recruitment call	6	6	1	6	0.75	4.50	0	0	0	0.00	0.00	4.50	
	Clinic staff	Reminder email	6	6	1	6	0.05	0.30	0	0	0	0.00	0.00	0.30	
	Clinic staff subtotal			6	6	4	24	0.25	6.00	0	0	0	0.00	0.00	6.00
	<b>State, Local, and Tribal government subtotal</b>			<b>20</b>	<b>20</b>	<b>4</b>	<b>72</b>	<b>0.33</b>	<b>24.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>24.00</b>
<b>Nonprofit</b>															
Nonprofit	WIC local agency staff	Advance communications (letter)	2	2	1	2	0.10	0.20	0	0	0	0.00	0.00	0.20	

	WIC local agency staff	Advance communications (FAQ sheet)	2	2	1	2	0.10	0.20	0	0	0	0.00	0.00	0.20
	WIC local agency staff	Recruitment call	2	2	1	2	0.75	1.50	0	0	0	0.00	0.00	1.50
	WIC local agency staff	Reminder email	2	2	1	2	0.05	0.10	0	0	0	0.00	0.00	0.10
	WIC local agency staff subtotal		2	2	4	8	0.25	2.00	0	0	0	0.00	0.00	2.00
	Clinic staff	Advance communications (letter)	2	2	1	2	0.10	0.20	0	0	0	0.00	0.00	0.20
	Clinic staff	Advance communications (FAQ sheet)	2	2	1	2	0.10	0.20	0	0	0	0.00	0.00	0.20
Nonprofit (continued)	Clinic staff	Recruitment call	2	2	1	2	0.75	1.50	0	0	0	0.00	0.00	1.50
	Clinic staff	Reminder email	2	2	1	2	0.05	0.10	0	0	0	0.00	0.00	0.10
	Clinic staff subtotal		2	2	4	8	0.25	2.00	0	0	0	0.00	0.00	2.00
<b>Nonprofit subtotal</b>			4	4	4	16	0.25	4.00	0	0	0.00	0.00	0.00	4.00
<b>Individuals</b>														
Individuals	WIC participants	Pretest	9	9	1	9	0.75	6.75	0	0	0	0.00	0.00	6.75
	WIC participants	Study brochure	284	224	1	224	0.05	11.20	60	1	60	0.05	3.00	14.20
	WIC participants	Eligibility screener form	224	164	1	164	0.05	8.20	60	1	60	0.05	3.00	11.20
	WIC participants	Interview sign-up for in-person interviews	112	112	1	112	0.05	5.60	0	0	0	0.00	0.00	5.60
	WIC participants	Interview call sheet for telephone interviews	52	52	1	52	0.05	2.60	0	0	0	0.00	0.00	2.60
	WIC participants	Reminder call	52	52	1	52	0.008 <sub>3</sub>	0.43	0	0	0	0.00	0.00	0.43
	WIC participants	Consent form	154	144	1	144	0.03	4.32	20	1	20	0.05	1.00	5.32
	WIC participants	Interview protocol	144	144	1	144	0.50	72.00	0	0	0	0.00	0.00	72.00
	WIC participants	Demographic survey	144	144	1	144	0.07	10.08	0	0	0	0.00	0.00	10.08
	WIC participants	Thank-you note	144	144	1	144	0.05	7.20	0	0	0	0.00	0.00	7.20
Individual subtotal			293	233	5.10	1,189	0.11	128.38	60	3	140	0.05	7.00	135.38
<b>TOTAL</b>			<b>317</b>	<b>257</b>	<b>4.97</b>	<b>1,277</b>	<b>0.12</b>	<b>156.38</b>	<b>60</b>	<b>2.33</b>	<b>140</b>	<b>0.05</b>	<b>7.00</b>	<b>163.38</b>

Dated: July 26, 2019.

**Brandon Lipps,**  
Administrator, Food and Nutrition Service.

[FR Doc. 2019-17016 Filed 8-7-19; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Foreign Agricultural Service**

**Adjustment of Appendices Under the Dairy Tariff-Rate Quota Import Licensing Regulation for the 2019 Tariff-Rate Quota Year**

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the transfer of amounts for certain dairy articles from the historical license category (Appendix 1) to the lottery (nonhistorical) license category (Appendix 2) pursuant to the Dairy Tariff-Rate Quota Import Licensing regulations, 7 CFR part 6, for the 2019 quota year.

**DATES:** August 8, 2019.

**FOR FURTHER INFORMATION CONTACT:** Abdelsalam El-Farra, (202) 720-9439; [abdelsalam.el-farra@fas.usda.gov](mailto:abdelsalam.el-farra@fas.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Foreign Agricultural Service, under a delegation of authority from the Under Secretary for Trade and Foreign Agricultural Affairs, administers the Dairy Tariff-Rate Import Quota Licensing Regulation codified at 7 CFR 6.20-6.36 that provides for the issuance of licenses to import certain dairy articles under tariff-rate quotas (TRQs) as set forth in the Harmonized Tariff Schedule (HTS) of the United States. These dairy articles may only be entered into the United States at the low-tier tariff by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The Import Policies and Export Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, issues these licenses and, in conjunction with U.S.

Customs and Border Protection, U.S. Department of Homeland Security, monitors their use.

The regulation at 7 CFR 6.34(a) states that whenever a historical license is permanently surrendered, revoked by the Licensing Authority, or not issued to an applicant pursuant to the provisions of 6.23, then the amount of such license will be transferred to Appendix 2. Section 6.34(b) provides that the cumulative annual transfers will be published by notice in the **Federal Register**. Accordingly, this document sets forth the revised Appendices for the 2019 tariff-rate quota year in the table below. Although there are no changes to the quantities for designated licenses (Appendix 3 and Appendix 4) nor to the total amount for each article, those numbers are also included in the table below for completeness.

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).

Dated: August 2, 2019.

**Ronald Lord,**  
Licensing Authority.

**ARTICLES SUBJECT TO DAIRY IMPORT LICENSES FOR CALENDAR YEAR 2019**  
[Kilograms]<sup>1</sup>

	Historical licenses (Appendix 1) <sup>2</sup>	Lottery licenses (Appendix 2) <sup>3</sup>	Sum of Appendix 1 & 2 <sup>4</sup>	Designated licenses (Tokyo Round, Appendix 3) <sup>4</sup>	Designated licenses (Uruguay Round, Appendix 4) <sup>4</sup>	Total <sup>4</sup>
Non-cheese articles, notes 6, 7, 8, 12, 14 (appendix 1 reduction)						
Butter (Note 6, Commodity Code G) (-1,773 kg) .....	4,301,461	2,675,539	6,977,000	.....	.....	6,977,000
EU-27 .....	62,599	33,562	96,161	.....	.....	.....
New Zealand .....	76,503	74,090	150,593	.....	.....	.....
Other Countries (-1,773 kg) .....	35,382	38,553	73,935	.....	.....	.....
Any Country .....	4,126,977	2,529,334	6,656,311	.....	.....	.....
Dried Skim Milk (Note 7, Commodity Code K) .....	0	5,261,000	5,261,000	.....	.....	5,261,000
Australia .....	0	600,076	600,076	.....	.....	.....
Canada .....	0	219,565	219,565	.....	.....	.....
Any Country .....	0	4,441,359	4,441,359	.....	.....	.....
Dried Whole Milk (Note 8, Commodity Code H) .....	0	3,321,300	3,321,300	.....	.....	3,321,300
New Zealand .....	0	3,175	3,175	.....	.....	.....
Any Country .....	0	3,318,125	3,318,125	.....	.....	.....
Dried Buttermilk/Whey (Note 12, Commodity Code M) ....	0	224,981	224,981	.....	.....	224,981
Canada .....	0	161,161	161,161	.....	.....	.....
New Zealand .....	0	63,820	63,820	.....	.....	.....
Butter Substitutes Containing Over 45 Percent of Butterfat and/or Butter Oil (Note 14, Commodity Code SU) .....	0	6,080,500	6,080,500	.....	.....	6,080,500
Any Country .....	0	6,080,500	6,080,500	.....	.....	.....
Total: Non-Cheese Articles (-1,773 kg) .....	4,301,461	17,563,320	21,864,781	.....	.....	21,864,781
Cheese Articles (Notes 16, 17, 18, 19, 20, 21, 22, 23, 25):						
Cheese and Substitutes for Cheese (Note 16, Commodity Code OT) (-2,142 kg) .....	17,613,583	13,856,148	31,469,731	9,661,128	7,496,000	48,626,859
Argentina .....	0	7,690	7,690	92,310	.....	100,000
Australia .....	535,628	5,542	541,170	758,830	1,750,000	3,050,000
Canada .....	950,162	190,838	1,141,000	.....	.....	1,141,000
Costa Rica .....	0	0	0	.....	1,550,000	1,550,000
EU-27 (-2,142 kg) .....	13,932,093	9,335,563	23,267,656	1,132,568	3,446,000	27,846,224
Of which Portugal is: .....	65,838	63,471	129,309	223,691	.....	353,000
EU-27 not including Portugal (-2,142 kg) .....	13,866,255	9,272,092	23,138,347	908,877	3,466,000	27,493,224
Israel .....	79,696	0	79,696	593,304	.....	673,000
Iceland .....	29,054	264,946	294,000	29,000	.....	323,000