

confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 19, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019-18114 Filed 8-21-19; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1122]

### Certain Convertible Sofas and Components Thereof; Commission Determination Not To Review the Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined not to review the final

initial determination ("ID") in the above-captioned investigation finding no violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 337 ("Section 337"). The investigation is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System ("EDIS") (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On July 13, 2018, the Commission instituted the present investigation based on a complaint filed by Sauder Manufacturing Co. of Archbold, Ohio, 83 FR 32686 (July 13, 2018). The complaint alleges a violation of Section 337 has occurred through the importation into the United States, sale for importation, and sale within the United States after importation of certain convertible sofas that purportedly infringe Sauder's U.S. Design Patent No. D716,576 ("the D'576 patent"). *Id.* The Commission's notice of investigation named Krug, Inc. ("Krug") of Kitchener, Ontario, Canada, as the sole respondent. *Id.* The Office of Unfair Import Investigations was not named as a party. *Id.*

The presiding administrative law judge ("ALJ") set the target date for completion of this investigation for November 13, 2019 (16 months). Order No. 3 (July 27, 2018). The ALJ scheduled the evidentiary hearing for March 18-22, 2019 and the deadline for issuing the final ID for July 12, 2019. Order No. 4 (Aug. 3, 2018). The parties, in response to an inquiry from the ALJ, subsequently agreed that the issues in this investigation could be resolved with a hearing on the briefs rather than a live evidentiary hearing. *See* Joint Statement Stipulating to a Hearing on the Briefs and Corresponding Proposed

Procedural Schedule (Nov. 9, 2018). The ALJ adopted their recommendations, with some revisions, and scheduled a hearing for March 19, 2019, to hear the parties' arguments on their submissions. Order No. 5 (Nov. 19, 2018). The ALJ did not change the deadline for issuing the final ID or the target date for completion of the investigation. *Id.*

On July 12, 2019, the ALJ issued the final ID, which finds that: (1) The accused Krug convertible sofas do not infringe the D'576 patent; (2) prosecution history estoppel bars Sauder from accusing Krug sofas with soft top arms of infringing the D'576 patent; and (3) the D'576 patent claim is invalid under 35 U.S.C. 112 for lack of written description. ID at 18, 34, 54, 58. The ID concludes that importation of the accused Krug products does not violate Section 337. *Id.* at 1, 58.

No party filed a petition to review the subject ID. The Commission has determined not to review the subject ID. The investigation is hereby terminated.

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).

Issued: August 19, 2019.

By order of the Commission.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019-18115 Filed 8-21-19; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification of Application of Existing Mandatory Safety Standard

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice is a summary of petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

**DATES:** All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 23, 2019.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Email:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include the docket number of

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

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 a copy 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 202–693–9447 (voice), [mcconnell.sheila.a@dol.gov](mailto:mcconnell.sheila.a@dol.gov) (email), or 202–693–9440 (fax). [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–2019–021–C.

*Petitioner*: Monongalia County Coal Company, P.O. Box 72, Brave, Pennsylvania 15316.

*Mine*: Monongalia County Mine, MSHA I.D. No. 46–01968, located in Monongalia County, West Virginia.

*Regulation Affected*: 30 CFR 75.503 (Permissible electric face equipment;

maintenance) and 18.35(a)(5)(i) (Portable (trailing) cables and cords).

*Modification Request*: The petitioner seeks modification of the existing standard to permit trailing cable lengths of up to 1,000 feet in all sections.

The petitioner states that:

(1) The petitioner is developing longwall panels (gate sections) as part of a continuing mining cycle. The longwall development panels consist of a three or four entry system with a maximum of 300-foot blocks to improve roof and abutment pressure control during longwall mining. Petitioner states that ventilation is also improved by limiting the number of stoppings, which have a built-in ventilation pressure loss factor. Additionally, pillar stability is increased due to the increased block sizes associated with the necessity of longer trailing cables. There is a need for cable lengths greater than 600, 700, or 800 feet for this development system.

(2) The petitioner is also developing mains and submains sections as part of a continuing mining cycle. These sections consist of a six to eight entry system with a maximum of 300-foot blocks to improve roof and abutment pressure control during longwall mining. Petitioner states that ventilation is also improved by limiting the number of stoppings, which have a built-in ventilation pressure loss factor. Additionally, pillar stability is increased due to the increased block sizes associated with the necessity of longer trailing cables. There is a need for cable lengths greater than 600, 700, or 850 feet for this development system.

(3) The need to add additional electrical components such as distribution boxes and/or electrical connections throughout the section to achieve required cable length is decreased.

(4) Provided with this petition is a summary of short-circuit calculations justifying the instantaneous trip setting for the circuit breakers protecting the trailing cables supplying power to continuous mining section machines in the Monongalia County Mine.

(5) As an alternative to specific compliance with 30 CFR 75.503, (18.35), the petitioner proposes the following:

—The petition applies only to trailing cable supplying three-phase, 995-volt power to continuous mining machines and trailing cable supplying three-phase, 575-volt power to loading machines, shuttle cars, roofbolters, section ventilation fans, and de-gas drills.

—The maximum length of the 995- and 575-volt trailing cables will be 1,000 feet.

—The 995-volt continuous mining machine trailing cables will not be smaller than 2/0. The 575-volt trailing cables for loading machines, small roof bolters, de-gas drills, and section ventilation fans will not be smaller than No. 2 American Wire Gauge (AWG). The 575-volt large roof bolters and AC shuttle car trailing cables will not be smaller than No. 4 AWG.

—All circuit breakers used to protect 2/0 trailing cables exceeding 850 feet in length will have instantaneous trip units calibrated to trip at 1,500 amperes. The trip setting of these circuit breakers will be sealed or locked, and will have a permanent, legible labels. Each label will identify the circuit breaker as being suitable for protecting 2/0 cables. The label will be maintained to be legible.

—Replacement instantaneous trip units used to protect 2/0 trailing cables will be calibrated to trip at 1,500 amperes and this setting will be sealed or locked.

—All circuit breakers used to protect No. 2 AWG trailing cables exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 800 amperes. The trip setting of these circuit breakers will be sealed or locked, and will have permanent, legible labels. Each label will identify the circuit breaker as being suitable for protecting No. 2 AWG cables. The label will be maintained to be legible.

—Replacement instantaneous trip units used to protect No. 2 AWG trailing cables will be calibrated to trip at 800 amperes and this setting will be sealed or locked.

—All circuit breakers used to protect No. 4 AWG trailing cables exceeding 600 feet in length will have instantaneous trip units calibrated to trip at 500 amperes. The trip setting of these circuit breakers will be sealed or locked, and will have permanent, legible labels. Each label will identify the circuit breaker as being suitable for protecting No. 4 AWG cables. The label will be maintained to be legible.

—Replacement instantaneous trip units used to protect No. 4 AWG trailing cables, will be calibrated to trip at 500 amperes and this setting will be sealed or locked.

—At the beginning of each production shift, persons designated by the operator will visually examine the trailing cables to ensure that the cables are in safe operating condition and that the instantaneous settings of the specially calibrated breakers do not have seals or locks removed and that they do not exceed the settings stipulated in Paragraphs items 3, 4, and 5, under Item No. 5.

- Any trailing cable that is not in safe operating condition will be removed from service immediately and repaired or replaced.
- Each splice or repair in the trailing cables will be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair materials. The outer jacket of each splice or repair will be vulcanized with flame-resistant material or made with material that has been accepted by MSHA as flame-resistant.
- In the event the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable will be removed from service immediately and repaired or replaced. Also, additional precautions will be taken to ensure that in the future the cable is protected and maintained in safe operating condition.
- Permanent warning labels will be installed and maintained on the cover(s) of the power center identifying the location of each sealed or locked short-circuit protection device. These labels will warn miners not to change or alter the short-circuit settings.
- The petitioner's alternative method will not be implemented until all miners who have been designated to examine the integrity of seals or locks and to verify the short-circuit settings and proper procedures for examining trailing cables for defects and damage have received all the elements of training specified in this petition.
- Within 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions for the approved 30 CFR part 48 training plan to the District Manager. The training will include the following elements:
  - a. Mining methods and operating procedures that will protect the trailing cables against damage;
  - b. The proper procedures for examining trailing cables to ensure the cables are in safe operating condition;
  - c. The hazards of setting the circuit breakers too high to adequately protect the trailing cables; and
  - d. How to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained.

The procedure as specified in 30 CFR 48.3 for approval of proposed revisions to already approved training plans will apply.

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–2019–022–C.

*Petitioner:* Sunrise Coal, LLC, 12661 N Agricare Road, Oaktown, Indiana 47561.

*Mine:* Oaktown Fuels No. 1, MSHA I.D. No. 12–02394, located in Knox County, Indiana.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment in or inby the last open crosscut.

The petitioner states that:

(1) The nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment to be used includes laptop computers; oscilloscopes; vibration analysis machines; cable fault detectors; point temperature and distance probes, infrared temperature devices; insulation testers; voltage, current, and resistance meters and power testers; electronic tachometers, signal analyzer and ultrasonic measuring devices; and other similar testing and diagnostic equipment.

(2) All nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment to be used in or inby the last open crosscut will be examined prior to use by a certified person, as defined in 30 CFR 75.153, to ensure equipment is being maintained in a safe operating condition.

(3) The examinations of the nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment will include:

- Inspecting the contact points to ensure a secure connection to the battery;
- Reinserting the battery and powering up and shutting down to ensure proper connections; and
- Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(4) The results of such inspections will be recorded in the examination book prior to the equipment being used underground and will be made available to MSHA and the miners at the mine, on request.

(5) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment in or inby the last open crosscut.

(6) Nonpermissible, low-voltage or battery-powered electronic testing and

diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When a one percent or more methane concentration is detected while the nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment is being used, the equipment will be deenergized immediately and withdrawn outby the last open crosscut.

(7) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition.

(8) All electronic testing and diagnostic equipment will be used in accordance with the manufacturer's recommendations.

(9) Qualified personnel engaged in the use of electronic testing and diagnostic equipment will be trained to recognize the hazards and limitations associated with the use of such equipment.

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–2019–023–C.

*Petitioner:* Sunrise Coal, LLC, 12661 N Agricare Road, Oaktown, Indiana 47561.

*Mine:* Oaktown Fuels No. 2, MSHA I.D. No. 12–02418, located in Knox County, Indiana.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment in or inby the last open crosscut.

The petitioner states that:

(1) The nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment to be used includes laptop computers; oscilloscopes; vibration analysis machines; cable fault detectors; point temperature and distance probes, infrared temperature devices; insulation testers; voltage, current, and resistance meters and power testers; electronic tachometers, signal analyzer and ultrasonic measuring devices; and other similar testing and diagnostic equipment.

(2) All nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment to be used in or inby the last open crosscut will be examined prior to use by a certified person, as defined in 30 CFR 75.153, to ensure equipment is being maintained in a safe operating condition.

(3) The examinations of the nonpermissible, low-voltage or battery-

powered electronic testing and diagnostic equipment will include:

- Checking the instrument for any physical damage and the integrity of the case;
- Removing the battery and inspecting for corrosion;
- Inspecting the contact points to ensure a secure connection to the battery;
- Reinserting the battery and powering up and shutting down to ensure proper connections; and
- Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(4) The results of such inspections will be recorded in the examination book prior to the equipment being used underground and will be made available to MSHA and the miners at the mine, on request.

(5) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment in or in by the last open crosscut.

(6) Nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When a one percent or more methane concentration is detected while the nonpermissible, low-voltage or battery-powered electronic testing and diagnostic equipment is being used, the equipment will be deenergized immediately and withdrawn out by the last open crosscut.

(7) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition.

(8) All electronic testing and diagnostic equipment will be used in accordance with the manufacturer's recommendations.

(9) Qualified personnel engaged in the use of electronic testing and diagnostic equipment will be trained to recognize the hazards and limitations associated with the use of such equipment.

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.

**Roslyn Fontaine,**

*Deputy Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 2019-18097 Filed 8-21-19; 8:45 am]

**BILLING CODE 4520-43-P**

## NATIONAL SCIENCE FOUNDATION

### Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

*Name and Committee Code:* Astronomy and Astrophysics Advisory Committee (#13883).

*Date and Time:* September 26, 2019; 9:00 a.m.–5:00 p.m.; September 27, 2019; 9:00 a.m.–12:00 p.m.

*Place:* National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, Room E2020.

*Type of Meeting:* Open.

Attendance information for the meeting will be forthcoming on the website: <https://www.nsf.gov/mps/ast/aac.jsp>.

*Contact Person:* Dr. Christopher Davis, Program Director, Division of Astronomical Sciences, Suite W 9136; National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703-292-4910.

*Purpose of Meeting:* To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

*Agenda:* To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: August 19, 2019.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2019-18101 Filed 8-21-19; 8:45 am]

**BILLING CODE 7555-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86698; File No. SR-NYSEArca-2018-83]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 4 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 4, Regarding Changes to Investments of the iShares Bloomberg Roll Select Commodity Strategy ETF

August 16, 2019.

#### I. Introduction

On December 19, 2018, NYSE Arca, Inc. (“Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> a proposed rule change regarding changes to investments of the iShares Bloomberg Roll Select Commodity Strategy ETF (“Fund”), shares (“Shares”) of which are currently listed and traded on the Exchange under NYSE Arca Rule 8.600–E. The proposed rule change was published for comment in the **Federal Register** on December 31, 2018. <sup>3</sup> On February 13, 2019, pursuant to Section 19(b)(2) of the Act, <sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change. <sup>5</sup> On March 6, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed, and on March 14, 2019, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the proposed rule change, as modified by Amendment No. 1. On March 21, 2019, the Commission noticed the proposed rule change, as modified by Amendment No. 2, and instituted proceedings under Section 19(b)(2)(B) of the Act <sup>6</sup> to determine

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 84931 (December 21, 2018), 83 FR 67741.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 85117, 84 FR 5124 (February 20, 2019). The Commission designated March 31, 2019, as the date by which the Commission would approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).